

IMPORTANT NOTICE

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QUARTERLIES—Vol. 2, No. 4 (October, 1919).

Vol. 3, No. 1 (January, 1920).

Vol. 3, No. 4 (October, 1920).

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Soniat du Fossat. Unnumbered publication.

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HENRY M. GILL, Corresponding Secretary,
The Cabildo, New Orleans.

THE LOUISIANA HISTORICAL QUARTERLY

VOL. 6, No. 3

JULY, 1923



Entered as Second Class mail matter June 6, 1917, at the post-office at New Orleans, La.,
under Act of August 24, 1912.

Subscription \$2.00 per annum, payable in advance. Address Louisiana Historical Quarterly
Cabildo, New Orleans, La.

Ramirez-Jones Printing Co
Baton Rouge, La.
1923

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TABLE OF CONTENTS

VOL. 6, No. 3

JULY, 1923

The King Celebration.....	345
An Old Lady's Gossip.....	380
Adrien Rouquette: Poet and Mystic, <i>by William Nott</i>	388
History of the Cabildo of Mexico City, 1524-1534, <i>by Lois K. Dyer</i>	395
Editor's Chair.....	478
Records of the Superior Council of Louisiana, XX.....	482
Index to the Spanish Judicial Records of Louisiana, III.....	513



MISS GRACE KING

THE LOUISIANA HISTORICAL QUARTERLY

VOL. 6, No. 3

JULY, 1923

GRACE KING

TRIBUTE OF THE LOUISIANA HISTORICAL SOCIETY.

The members of the Louisiana Historical Society and many hundreds of the representative people of New Orleans gathered at the Cabildo on the evening of April 27th, 1923, to render tribute to Grace King and to express in substantial shape the universal approbation of her long career devoted to the history and literature of Louisiana. The program for the evening was musical and literary and included the presentation of a loving cup by the Society in commemoration of the unwearied zeal and continued interest that she has always exhibited in its behalf. But however good were the intentions of the program, the people of New Orleans took the opportunity to better it and to turn the affair into a social ovation. Nothing like it has ever been witnessed in the ancient Sala Capitulaire of the Cabildo consecrated as it is by the civic celebrations of the past two centuries.

The ceremonies opened with a brief welcome from Mr. G. Cusachs, President of the Louisiana Historical Society, who said that he was glad to have lived to witness this happy gathering in honor of the greatest living author of Louisiana and his happiness was all the greater because the event had its source in the Society, in whose service Miss King had given so many industrious, zealous and fertile years.

The program covered addresses by Mr. Henry P. Dart, Professor R. S. Cocks and Mrs. Elizabeth M. Gilmer (Dorothy Dix), interspersed with music and songs. Mr. W. O. Hart then presented Miss King with the Society's loving cup. At this moment a procession entered the room, each person bearing flowers which were banked in the greatest profusion before Miss King. The distin-

guished guest responded to the greetings of the evening in a happy reminiscent vein in which she told some of the experiences of her life with the Society and said that when in due course of nature she would no longer be with us she desired the loving cup to be returned to our care filled with the joy of this moment, and keeping fresh in our memories the glory that had been hers during this precious hour of her extremest happiness.

The Society has directed that the program and the addresses be perpetuated in the Quarterly, together with the excellent paper by Miss Louise Hubert Guyol that was published in the Boston Evening Transcript on September 29, 1923. To these we have added Katherine Pope's happy estimate of Miss King from the *Chicago Step Ladder*, and we have also compiled a list of Miss King's publications.

HENRY P. DART.

INVITATION.

The Louisiana Historical Society
cordially invites you
to join with its members in paying a tribute
to

Miss Grace King,
Historian of New Orleans and Secretary of the Society
at the
Cabildo

Friday Evening, April 27th, 1923
at Eight of the clock

Dress Informal

LOUISIANA HISTORICAL SOCIETY

Tribute to Miss Grace King at the Cabildo
Friday, April 27, 1923, 8 of the Clock.

Program

Welcome, by Mr. G. Cusachs, President of the Society.

Music: "The Washington Artillery March."

Violinist, Mrs. Nellie Ready Mitchell.

Pianist, Miss Marguerite Darms.

Miss King's Historical Works.....Mr. Henry P. Dart

"The love of history seems inseparable from human nature."

—Lord Bollingbroke.

Reception Committee—James A. Renshaw, Chairman.

By HENRY P. DART.

In the world at large, Miss King is appreciated as one of the few great workers who have devoted life and intellect to a truthful portrayal of the history of their country. They know her also as one who loves her people and delights in reproducing them in their kindness and thoughtfulness, their bravery and their ability. She has told in fiction and in history the true story of the elements that constitute our State, and time has rendered the verdict and established her amidst those who occupy the seats of the mighty in literature and scholarship. Within these walls we know her also as a fellow worker and personal friend. She has been active in our service for over thirty years and during most of that time has sat at the secretary's desk taking note of our deliberations, recording in vivid thought and happy words the little incidents of our meetings, but some day those monthly records will be studied for their own sake, and posterity will find that she has rendered this minor service in such a great way that literature will have another claim upon her memory.

A bibliography of Miss King's literary output would run to fifty or more printed numbers and this is only a slight indication of her activity and industry. Of course any attempt to touch this feature of her life would consume the time allotted to this meeting and would also be contrary to the purpose for which we have assembled. But it was felt by the Committee that the occasion should not be allowed to pass without a reference to some of the important things she has done, and to that end three of us have been asked to speak tonight with the admonition that our time is limited and that we are to touch only the high spots and leave the rest to your imagination. My part on the program is Miss King's Historical Work and, heeding the warning of the committee, I shall hold your attention with a brief analysis of four books, that may be accepted as representative of the rest of her work beyond our reach tonight.

If I were recommending a course in Miss King's Histories, I would list first "De Soto and His Men in the Land of Florida," because it is a finished example of the resourcefulness of her intellect and tells a story of adventure in a manner that will stay with you when other things are forgotten. This book, published in 1898, is the only modern attempt to tell the story of Hernando De Soto's famous sixteenth century expedition in search of gold in the Southern part of what is now the United States of America. Every school child knows the outline of the story but until Miss King's book it was not appreciated what a wonderful adventure it was. For its composition she mastered all the Spanish contemporary relations and reports made by persons who survived the expedition and she delved also into everything that was afterwards written on the subject. This perfect knowledge she cast into a narrative that takes on the atmosphere of the time and place. In effect she transports herself to the ranks of the army that "came within sight of the land of Florida" on Whit Sunday, June 25, 1539, and she marches sturdily along like a good soldier taking part in all the fair and evil luck of that extraordinary campaign. The interest never flags; the old chroniclers talk it out in their own way; we catch the hopes and fears of the rank and file and listen in on the conferences of the leaders. We hear strange names and fight and conquer, or flee from, strange places. We are never advised by inference or otherwise what is ahead of us and each chapter carries the army along until at last

we find ourselves at the denouement with the wretched survivors fleeing down the Mississippi, shaken by the turbulent gulf, and, thank God, safe at last on the blessed shores of Mexico.

The book is full of stirring experiences, but there are some chapters particularly that make the blood dance and the heart leap. Such is the account of Tuscaloosa's Ambuscade at Talise, called also the Battle of Mauvila, where the native tribes combined to annihilate the Spaniards, and barely missed doing it. There stands out also the solemn and pathetic account of the death of De Soto, the noble Adalantado, and of his burial in the Mississippi River. Boys, if they are what they used to be, should revel in this glorious book and I am disposed to add their fathers would also find here a great adventure nobly told. Of course the tale would not carry this interest and delight were it not for the art and skill of the woman who guides us through it.

Somebody has said Miss King is a superb interpreter of the feminine mind and in her fiction it is true she gets very close to that elusive thing. But there is nothing suggestive of femininity in the De Soto; it is a man's book through and through, redolent of the camp and the woods, and pungent with the rude travail of the campaign. While she has presented the whole thing from a man's point of view, her woman's brain has touched its finer side to produce one of the most perfect examples in our literature of man's capacity to suffer and endure, to carry on as we now say it, like a man to the last ounce of strength and to the last moment of life.

The second book on my list would be the "Life of Jean Baptist Le Moyne, Sieur de Bienville." In our histories he is called "the father of Louisiana." But up to this time we have treated his memory with the irreverence of an unwelcome stepfather. The grateful people of the city he founded, have perpetuated favorite sons and honored heroes in marble and in bronze. They have attached to a noble park the name of one who used his days chasing birds and animals and in making wonderful pictures of wild life in Louisiana. On the other hand, Bienville, the man who spent his young life fighting on this spot for the establishment of New Orleans, who in anchoring us here, roused antagonisms and fought influences, that ultimately brought him to his knees, and flung him broken and discredited into exile in France; that man's memory is perpetuated in New Orleans on a shabby by-street in

the Vieux Carre! The sardonic and malign influences that maltreated and neglected the "father of Louisiana" during his life, shaped moreover the course of history, and he long figured in our annals as a vague and uncertain quantity, a lady-like sort of man accidentally lifted into high station, which he was temperamentally and otherwise unfitted to fill.

Thus the case stood until 1892 when Miss King published her life of Bienville, which is also a history of his administration of French Louisiana up to 1743. This book was Miss King's first historical work and it must have been a long and heart-breaking task, for there were practically no roads through the jungle of neglect where Bienville's memory was hidden. Under her indefatigable industry and genius, the secret, however, was laid bare and we have now a biography of the Founder of Louisiana that has corrected the errors of history and reinstated the man in the respect of posterity.

The story as she tells it is quite as interesting as the De Soto but it is pitched in a lower tone. It outlines the feeble and neglected beginnings of Louisiana held together wholly by the faith and constancy of Bienville. One realizes the dull and stupid life of the pioneers and even sympathises with the profligate French court that more than once was on the point of abandoning the whole venture, yet the story slowly unravels into a fine upstanding figure of heroic stature. The first lover of Louisiana is painted with all his faults, but when the picture is finished it is supported by annotations and authorities that constitute it the final judgment on the life and work of the great man who above all others is responsible for the planting and sustaining of the colony of Louisiana. The book is not only valuable on its personal side, but it is the best account we have of early Louisiana. With it as a key we can read and understand dull old Martin and florid Gayarre and bless the fates that be for the flowering in a woman's mind of the seed so carelessly sown by them.

The third book on my list would be the "Creole Families of New Orleans," published nearly thirty years after the Bienville. The title suggests a directory, but as the leaves are turned, the purpose of the work becomes evident. It represents the pageantry of life in New Orleans during the 18th and early part of the 19th century. Names are selected because they are typical and they are used to hang upon and about them the most interesting personal adventures and experiences of the little French and

Spanish city at the mouth of the Mississippi. History, with a personal touch, is the most absorbing of all forms of writing, but it is also a very hazardous adventure for the author. Consider for a moment the difficulty she must have faced, when the necessity of the situation compelled her to begin to select some two score names out of the thousands who animated society and regulated life in New Orleans during its first hundred years. Trying to sit in behind her thoughts when she planned the outline of her book, it is evident that she must have felt that embarrassment of riches we so often hear of and so seldom experience. There was only one way to solve it, and though each of us might have picked here and there a name that we would have included, it still remains that Miss King crossed that anxious bridge very happily. Her journey through the century soon effaces mere names; the parade fills the eye and in a little while you begin to think that perhaps after all it was better that she didn't pick your particular ancestor to take part in it.

This does not imply there is any malice, smart gossip, or other like tincture in her ink. But it is in a way a sort of journal intime, with all the little intimacies, irrelevances and adventures that followed the ways of life in those forgotten days. That side of the story is however its minor chord; the real thing is its wealth of local history and its adequate understanding of the soul of New Orleans; through this, she has thrown a search light upon and illuminated the shadowy pathways of the 18th and 19th centuries in New Orleans and each character who marches past the light is a type worth knowing and long to be remembered.

The fourth and last book on my list and the first in my heart is one which will outlive you and me and will remain to please and educate the generations yet unborn. It is one of those rare books that take a unique place in the history of life—a creation out of material no longer existing, but, fortunately, stored in the rich mind of the author after the manner of the bee with the pollen. "New Orleans the Place and the People" was published in 1895. In the introduction Miss King says:

"We personify cities by ascribing to them the feminine gender, yet this is a poor rule for general use; there are so many cities which we can call women only by a dislocation of the imagination." "But," she says, "New Orleans is among cities the most feminine of women, always using the old standard of feminine distinction."

Thereupon, we begin a journey with this Great Lady of Good Fortune and we ramble on by easy stages, stopping at this point and at that, hearing stories, meeting people, and taking part in passing events. We stop awhile with the pioneers of the 17th century and fraternize with great folk of French names and ideas. A little later we fall in with the Spaniard and suffer under some of his bloody deeds, but, curiously, we begin to like the fellow and to look forward to a pleasant time under his courtly hospitality. All too soon we wander out of his company and into a new century filled with people very much of our own kind. Meantime, we are conscious that our companion, the Great Lady, is an unusual and agreeable associate, and we follow her with a feeling that the next story will be better still, and are not surprised when some political intrigue or economic crisis opens up before us. Yet we are bound to admit that nothing that we read had quite prepared us for that incomparable account of the Conflict on the Plains of Chalmette on a Sunday morning in January, 1815. And so we could run on and on without exhausting the variety and entertainment of this great book, for its distinction is that it appeals to everybody, without regard to temperament or previous convictions. In short, the Great Lady New Orleans grows upon your affection. You cannot help it. Something tugs at your heart, and at last you throw yourself boldly at her head. You have become part of her. You enlist as her champion and vow that honor and life shall be at her service, for her protection, exaltation and perpetuation.

What is the secret of the spell this book casts on us? It is interesting, aye absorbingly interesting, but there are other books that are equally so. You have acquired in the most casual way all the most notable events in her history, but other cities have histories too. You have been introduced to many people and have for a moment been absorbed in their affairs, but bless me, the affairs of mankind are the commonplace of our daily grind—and yet the spell is there and cannot be shaken off.

Of course a ready answer is that New Orleans, all things considered, is the most remarkable city of the continent; that she combines the elements of the Ancient Regime with the practical vigor of a modern capital. We may also modestly confess that we ourselves are a remarkably interesting people as everybody knows. But you do not get these answers from Miss King's book.

On the contrary, its atmosphere is wholly irrevelant to any such ideas. The book is indeed the heart of the forefathers beating in the breasts of their descendants. It represents their love and affection for the Great Lady, their mother, transmuted into ideas like, yet unlike, their own. The author is the Spirit of the Past brooding over the changes of the Present.

This, then, is the reason for the spell. She has classified her city as a woman "using the old standard of distinction." She has established its foundations and made it to sparkle and to glow among the commonplace creations of the age. She has lifted its history into an atmosphere that no other place or time may expect to enjoy. Out of it comes a lofty vision that possesses the soul and binds it with links of steel to the maintenance of her ideal. The city founded by Bienville has become the city of Miss King—her City of Distinction. The patent of nobility conferred by her hand has been recognized the wide world over and the book by which this was done will endure as long as one brick stands upon the other in the city of her glory.

THE FICTION OF GRACE KING.

By REGINALD S. COCKS

Mr. President:

I desire to thank the members of the Historical Society for having invited me, who am not a member, to join with them this evening in this commemoration in honor of Miss King. For though I wish very much that a speaker of better equipment for the task could have been selected, yet in participating with you I have the double pleasure of paying tribute not only to Miss King the author but to Miss King, a close and warm friend for very many years.

I also congratulate the Society on having this celebration not at the end of Miss King's career, as is the more common practice, but in its mid-course; so that she can be with us and may even after a sufficient lapse of time look back upon this evening as one of the pleasant mile-stones of her life. While I confess it is a little embarrassing for a speaker to make an address, when the subject of his address is sitting there before him and probably suffering mental agonies while she is being discussed as if she were a picture or a book, yet the other alternative that she should not be with us at all is infinitely worse.

I have been asked to confine myself in my remarks to the purely literary aspects of Miss King's writings, and therefore, although I do not think that history can really be divorced from literature, especially the case of a writer like Miss King, all of whose works are written with that careful attention to style and form which distinguishes literature from mere writing, I shall make no reference to those of her works which are generally considered to be history rather than literature, nor shall I refer to her last volume on Historical Creole Families which I should feel altogether incompetent to criticize. There remains the Short Stories, the Novel, *The Pleasant Ways of St. Médard*, certain biographical sketches or studies, and "New Orleans, the Place and the People." Even of these I shall not attempt any critical examination or discussion, but rather confine myself to pointing out what seem to me the salient characteristics of all her works, though of course these are displayed more clearly in some of them than in others.

THE SHORT STORIES.

There are many people who regard a short story as merely an abbreviated novel and therefore requiring lesser qualities of intellect and imagination than the longer form. So by some musical critics Chopin has been denied a place among the immortals because he wrote preludes and not symphonies and Gray's *Elegy* has been criticised as "the laborious tillage of a light soil." And yet there are critics not a few who find more music in a Chopin prelude of a few bars than in many a symphony, more poetry in such a poem as Gray's *Elegy* than in many an epic and so in a short story there may be more genuine literature than in a novel of a thousand pages. Rather the comparison should be not to "the laborious tillage of a light soil," but to the art of the gardener who intensifies the beauty of a single blossom by cutting off all the rest.

I find a certain resemblance in Miss King's stories to a volume of stories by Thomas Hardy entitled "*Life's Little Ironies*." Of both sets of stories the title might well have been "*Life's Little Tragedies*." Not the stupendous tragedies, the news of which vibrates over the whole world, but the little tragedies of every day life, ambitions frustrated, wishes unfulfilled, hopes disappointed, success proving to be failure. By tragedies such as these we are surrounded on every side, but for the most part they remain

unsung and unheeded until the artist comes along with the eye to discern and the heart to understand and the creative ability to express.

While, as I said, there seems to me a likeness between Miss King's stories and Hardy's, the likeness is rather in the selection of the subject than in the method of treatment. In most of Hardy's short stories and poems the tragedy is brought about by some little insignificant incident, missing a train, a shower of rain, going back after a lost umbrella, which in the twinkling of an eye changes a whole life, so that man appears to be little more than a plaything of a mischievous fate and as helpless as a leaf tossed by the winds. In Miss King's stories, the tragedy is seen to be inevitable from the very nature of human affairs in a world full of pain and sorrow where grief and evil fall like the rain upon both the just and the unjust.

The reader who takes up Miss King's stories hoping for a thrill, the absorbing mystery of a detective story, an exciting love episode or a startling adventure, will put them down unsatisfied, but the reader who can enjoy a little picture of real life, vividly portrayed and exquisitely polished, with an individuality of style as charming as it is rare, can turn to any one of them and be richly rewarded. While the stories are mostly tragic, the tragedy is constantly relieved by a delicate sense of humor which is all-pervasive through her works and makes us feel that if in her philosophy life is more akin to a vale of tears than to an elysium of happy fields, the world after all if not the best of all possible worlds, which as Huxley says is a libel on possibility, is not perhaps the worst.

We all know how a skillful painter can select a little corner of a commonplace garden or a dull little piece of landscape and by his art can produce a picture which though true to nature is much more beautiful than the original. Such an artist is Miss King who can select a little humble episode of common life and by her art transform it into a thing of beauty. Each one of these stories is a masterpiece; the extreme care with which they have been elaborated and polished has made of each one of them a perfect little portrait in miniature. This almost meticulous finish and attention to form which is usually regarded as a characteristic of French stories rather than English, gives to her stories a sure pre-eminence and unassailable position; so that

even if the relation of the short story to other forms of literary art is still open to debate, the relation of Miss King's short stories, to other short stories, is established beyond cavil.

In January 1916 there appeared in the *Atlantic Monthly* an essay on criticism by Edward Garnett, the well known English critic. Towards the end of the article there appeared the following paragraph:

"Even higher in its literary art must we rank Grace King's 'The Pleasant Ways of St. Médard,' a story rare in its historical significance. This poignant lament for the South at the close of the Civil War rehearses a woman's lingering memories of the charm and grace of New Orleans atmosphere and of the poignant humiliation suffered by a ruined family. Will not its exquisite shades of feeling, delicate in vibrating sadness, give the novel a permanent place as an American literary classic?"

This sympathetic review of a novel came as a complete surprise to the reading public, none of whom had read or heard of the book. Very curiously it came out that the manuscript had been submitted by Miss King while in England to Mr. Garnett for criticism and having been greatly impressed by it, he had taken for granted that it had been immediately published on her return to America and so had included it in his review of new books. As a matter of fact it was not published until August, 1916, nine months later.

As stated by Mr. Garnett it is the story of a family ruined by the war and endeavoring to begin life anew under the changed conditions. Although Miss King's own family were among the sufferers from the war, there is no bitterness in the book and the calamity is accepted in the same spirit with which we accept a tornado or a crevasse of the Mississippi which sweeps away in a few minutes the work of a generation, calamities which with almost defiant piety we are accustomed to attribute to a beneficent providence. Yet not for a minute are we in doubt as to the completeness of the disaster and the hopeless bewilderment of the sufferers who have seen the very foundations of their existence crumble beneath their feet and have no more hope of adjusting themselves to their new environment than a tree can be replanted when it is blown up by the roots. The novel can never be very popular for it is almost entirely lacking in action, I think per-

haps too much so, but as a true and lifelike portrait of a period in the history of New Orleans when the souls of men and women were tried to the uttermost, when despair and hopelessness was the dominant note and the future seemed a blank, this novel will be a storehouse of information to the future historian who knows that the understanding of history depends not so much on the visible actions of men and women at a given period, as upon the secret feelings and hidden motives which prompted them.

The book is written with all of Miss King's charm of style which is indeed inseparable from everything she writes and is saved from gloom by the subtle humor which pervades every page and enables us to smile at her characters even when we feel their misfortunes most keenly.

That the novel will take the high place among its fellows which has been unanimously accorded to the stories, is perhaps doubtful. But that it is a real contribution to English literature, written with true historic insight into the times she describes, that it is replete with beautiful passages and vivid delineation of character, that the style is polished and scholarly and the book as a whole thoroughly artistic, no one can doubt. If the novel has not met with the popular recognition it justly deserves, it is I think because of a certain weakness in the plot so that at times the story seems to drag. But so vastly do the merits of the book surpass the defects, so clearly does it shine out among the host of novels which are here to-day and gone to-morrow which are being read by thousands that I feel it is destined to obtain and keep a permanent honorable position among the real literature of its period.

The biographical studies including the introduction to Pastor Wagner's "Simple Life," which is also in the nature of a biographical study, appeared mostly in the best magazines of this country such as the *Yale Review*. They are distinguished by the same high qualities as the stories. Perfect workmanship combined with a most sympathetic understanding of her characters, resulting in a portrait not such as is obtained by the camera which merely shows us what we already see, but in a finished picture revealing something of the hidden soul. We feel that we understand and know them better from her descriptions than we should have if we had known them in every day life.

Her preference as shown by her choice of subjects is not for the soldier or statesman whose heroic deeds are performed in

public and whose reward is the applause of the people, but rather for the quiet heroism which is needed for the humdrum tasks of every day life where there is no hope of reward other than the consciousness of duty performed. Two of her biographies deal with teachers, one principal of a High School, the other a teacher of private pupils. Both are ladies brought up in sheltered and refined homes amid luxury and wealth. Both by one of those sudden reversals of life's fate are left to battle with the world with slender equipment for the fray other than a more or less superficial education, high ideals and a steadfast determination never to swerve from the lofty standards to which they had been accustomed. Both live to advanced age, one even to the age of ninety-three, having achieved something like success in their chosen profession; the lives of both would seem to be almost commonplace, bare and colorless, but as Miss King interprets them for us with that inner vision which is the true artist's gift, we feel their lives are almost splendid, and so far from having been colorless and bare, must have been splendidly heroic.

For such studies as these above all is needed not only the vision to see but also the gift to interpret so that we can see what she sees and feel what she feels and it is because these are above all her superlative gifts that her studies of this nature have been supremely successful and rank among the best of her productions.

There remains "New Orleans, the Place and the People," which I consider to be one of the very best books of its kind that has ever been written. Miss King is undoubtedly the foremost authority on the past history of New Orleans and as the past is the key to the present she understands her city and its people as no one else can, her comprehension is sure of what is merely superficial and trivial and what is essential in the characters of her city and people. She sees their faults and weaknesses no less clearly than their virtues but she deals tenderly with them and we feel that she would hardly change them if she could.

While in the case of New Orleans as of Paris to which she compares it, gaiety and frivolity and love of pleasure may seem to be the keynote, these may well be but the outward signs of amiability and good temper and are no more the signs of the lack of the more sterling qualities, than austerity is a sign of their presence. I have heard it said that she idealizes her people and sees in them qualities which they do not possess. But it is

not impossible, that as the artist whose eye is trained to color sees more than the one whose eye is untrained, and the musician hears more in music than the musically untrained, so the skilled and sympathetic observer of humankind can see what to others is invisible. The book is most scholarly, there is not a fact in it which cannot be substantiated. The style is delightful with an individual quality which gives us a happy glimpse of the personality of the author. While it is a storehouse of information concerning the foundation and growth of the city, it is never for a moment dull and description is again and again enlivened with a wealth of anecdote. The name of New Orleans and the name of Miss King will ever be intimately associated for hers is the representative voice of New Orleans.

In these few lines I have endeavored to set forth what seems to me the salient characteristics of her work, that I have done justice to the subject I cannot hope. In conclusion I wish to congratulate the Historical Society upon the possession of a member whose work has shed upon it such lustre and has contributed so largely to give it the high place it holds among historical societies, and to Miss King herself, I offer my most hearty congratulations on this commemoration in her honor and my best wishes for many more literary successes which her talents undimmed by time may yet win for her.

DOROTHY DIX TALKS ON MISS KING.

(Mrs. E. M. Gilmer)

Once upon a time I knew a woman who, when she indulged herself in some special extravagance, justified her act by saying that she was spending her monument money. Pressed for explanation of this cryptic utterance she said that she had married a widower, and that he took her as a bride to the cemetery where he showed her the large, and ornate, and costly monument that he had reared over the grave of his first wife, who had been a notably thrifty and hard working woman.

"I told my husband," said the second wife, "that I cared nothing for monuments, and that tombstones meant nothing in my young life. It was immaterial to me whether my last resting place was marked by a brick bat or a ton of marble, but I had a lively desire for the good things of this world and that I would take the price of my tombstone as I went along. So whenever I

buy a fifty dollar hat, or an imported frock that I don't really need, I just tell him to charge it up against my monument account."

Now one of the many million things for which I love New Orleans is because, like the lady of my story, it spends its monument money as it goes along. It does not wait until its public spirited citizens are dust in a dusty grave, and then erect a towering shaft to their memory as a token of its gratitude. While they are still alive, and the knowledge of a great city's appreciation can warm their hearts, New Orleans gives them a loving cup filled to the brim with the good will that is sweeter than any wine. It does not wait to place its laurel wreath upon a coffin. It places it upon a living brow that can still thrill to the paeon of applause; for to be acclaimed by our own is fame indeed. Like Kipling we can say the long bazaars will praise but, at the end, it is to our own people that we turn to and ask: "Heart of my heart, have I done well?"

This tender custom of New Orleans of celebrating living jubilees for its gifted children instead of holding postmortems over them, has never had a more fitting expression than it has tonight when we have come together to honor Miss Grace King, and shower her with bouquets of love and admiration. No tribute was ever more richly deserved for Miss King is more than our foremost woman of letters, more than our most gifted story teller, more than our great historian. She is our embodied romance, and tradition, and if we did to her what we would like to do, we would put her on a pedestal under a glass case, and show her off, and brag about her to strangers.

Of course, she won't stand for the pedestal, nor on it, so that far our local pride is balked, but she can't help us bragging about her to strangers, and we tell them, as we show them through the old quarter, that if they want to know the history of Louisiana they must read Miss King's history.

And if they look as if they thought that history was what a cynic said it was, "an inaccurate account of a number of disreputable incidents that occurred on one of the minor planets," we hasten to assure them that Miss King is unique among historians, that she is a magician who has breathed the breath of life into the dead past, and brought back the glory of a vanished day.

No novel was ever so fascinating, so brimming with adventure, so full of color and atmosphere as Miss King's histories of Louisiana, and the first families of New Orleans. For Louisiana and New Orleans have never been Main Street. They have always been Romance.

No one could have written the history of Louisiana who was not a novelist, and a poet, and a dreamer of dreams, and who did not have a soul that had a bit of the swagger of a buccaneer, and veins in which ran the blue blood of an aristocrat. For all of these qualities had to go into the strange, true story of Louisiana, and New Orleans, which has been worked out by Spaniard, and Frenchman, and Southerner and Yankee, and where priest and pirate, bold adventurer, and plodding toilers, nuns and casket girls, and fine ladies and quadroons, and flappers have all played their part, where four flags have waved leaving Old Glory fluttering above us.

All these, we tell the stranger, Miss King has imbedded in the matchless amber of her history, and made it one of the jewels of literature, so that not to possess it is to be poor indeed.

If you want to get the very spirit of old Creole New Orleans, you must read Miss King's Balcony stories, we tell strangers, as we take them through the city of iron lace. In just such a poor, little shabby, box stepped cottage as this, we say, the proud old general starved and waited for the alms from the man he snubbed, and who found a grim jest in patronizing one who despised him. Behind the bowed windows of that little gallery of hand wrought iron, poor Mimi may have wept on the blue bows of her negligee in a bride's last passionate rebellion against the fate that denied her her romance. This faded old mirror in this dingy, old antique shop may have reflected the image of la grande demoiselle herself. Here, where the eddy swirls at the steamboat landing, the little Convent girl may have solved the bitter problem of the half-caste, and beyond surely is the little miracle chapel where women are still on their knees praying as the poor widow did to the Virgin for the life of her babe.

In the dusk of summer evenings when women in white gowns sit on the balconies, in the dim, shuttered, tall rooms with their old carved furniture covered with faded tapestry, the comedies and the tragedies that the balcony stories relate have been re-enacted so often that you might take these little romances writ-

ten with such infinite charm, and with an almost divine sympathy and understanding, and from them reconstruct old Creole New Orleans.

And, we would tell the stranger, that for years and years Miss King has given herself without stint to the Historical Society, and that it is largely owing to her that its priceless records have been preserved, and that she has been one of that far seeing band who have waked New Orleans up to the fact that in its old quarter that represents its history, its romance, and tradition, it possessed a treasure unique among American cities.

For, the stranger always says to us, "it is not your miles of docks, your factories, your fine residences that I come to see. We have their like in New York and Boston and Oshkosh and Squeedunk. It is your old city with the stamp of the Spaniard and the French upon it, with its little alleys that might come from Paris, and its courtyards of Seville. It is your haunted houses, your Cabildo, and Cathedral, and Presbeteire, it is your antique shops, and your little restaurants with their superlative cooking, that I journey a thousand miles to see."

And if we stay the hand of the house wrecker and the vandal, and keep intact our old buildings instead of converting them into skyscrapers, and if we preserve the old foreign flavor, and keep the atmosphere of the Latin quarter, we shall have Miss Grace King largely to thank for it for she has made us ourselves see its beauty and value it. She has not only given us back our past, but she has stuck a rose in its teeth, and set a pomegranate bloom behind its ear.

And so, tonight, I feel it no small honor to be permitted to lay tribute at the feet of Miss Grace King, New Orleans' favorite daughter—historian, and novelist, and poet famous the world over—fine and gracious as a woman—loyal and public spirited as a citizen—one among ten thousand, and altogether lovely. May she live long to enjoy the renown, and the love she has so richly earned, and to be an example to the young of what a southern fine lady should be, and to collect her monument money from a city that does itself honor in honoring her.

PRESENTATION OF LOVING CUP TO MISS KING
ON BEHALF OF
LOUISIANA HISTORICAL SOCIETY

By W. O. HART.

Mr. Chairman, Miss King, Ladies and Gentlemen:

I have been deliberating all evening how I should begin the few remarks I am about to make, when Mrs. Gilmer, the last speaker, came to my rescue, and I adopt one of the ideas contained in her splendid address.

In 1917 the lawyers and judges of Louisiana desiring to fittingly commemorate the fortieth anniversary of the continuous judicial career of then Chief Justice (now retired) Frank A. Monroe, presented to him and to Mrs. Monroe, a chest containing forty pieces of silverware, and when the Justice came to respond to the addresses made on that occasion, he began by saying: "Well, I am glad to know that you did this while I am alive."

It is particularly appropriate that on an occasion of this kind the testimonial we are about to give Miss King should be in the form of a loving cup, the three handles of which represent Love of God, Love of Country, and Love of Family and Friends.

I want to say to Miss King that the gift is not only the gift of the Society as a whole, but the gift of every member but one, and that one we did not consult in making our arrangements.

Many distinguished residents of New Orleans have been given loving cups from time to time and I have been given the honor of presenting several, but comparatively few have been given to women, and as far as I know, all but one from the same source, that is, the New Orleans Picayune and its successor, the Times-Picayune.

The other was given on January 8, 1906, by the United States Daughters of 1776 and 1812 to its President, Mrs. John B. Richardson, in consideration of her valuable services in preserving the Chalmette Monument and grounds below the City of New Orleans. Mrs. Richardson was ill at the time of the presentation, which I was called upon to make, and the cup was received for her by her daughter.

The others are as follows: Miss Sophie Wright in 1903, for free night schools; Mrs. Ida S. Richardson in 1907, for building

for Tulane University Medical Department; Mrs. Sara T. Mayo, 1910, for establishing the New Orleans Hospital and Dispensary for women and children; Mrs. Deborah Milliken, 1914, for the children's building at the Charity Hospital; Mrs. John Dibert, 1917, for gift of \$300,000.00 for the establishment of a Tuberculosis Hospital, (for which, by the way, no site has been secured); Miss Eleanor McMain, 1918, for her work at the Kingsley House, (it may be interesting to note that Miss McMain is now in Europe, having been called there on social work); and Mrs. James Oscar Nixon, 1919, for reviving public interest in the French Quarter.

Service in the Louisiana Historical Society is purely unselfish as no one has anything to gain thereby except the dissemination of Louisiana history and the placing thereof in such a position that it may be studied by historians and by the young and Miss King not only by her work in the Society, but by her writings and addresses, has done as much as any living person to keep alive the spirit of Louisiana and long may she continue so to do.

The story of the Loving Cup at this time may not be out of place.

"It is said that once, when Henry of Navarre, after his annual hunt in the forest, stopped at a little wayside inn and called for a bowl of wine, the maid who served it, as she approached the king, grasped the handle of the cup, and in order to take same from her, the king had to place his hand inside the cup, so that some of his fingers touched the wine, and he chided the maid, because this was so. So, when he came another year, in the meantime, the maid, thinking over what he had said, procured a cup with two handles, but fearing that she would spill the wine, grasped both handles herself, and the king had again to use his hand, with another rebuke to the maid; but when still another year had passed by, she had met the emergency by having a cup of three handles, and as she held two of them, the third one was taken by the king."

And now, Miss King, permit me to hand you this feeble tribute of our regard, not for its intrinsic value, but for the sentiments which go with the gift.

A SOUTHERN AUTHOR IN HER
NEW ORLEANS HOME

*Grace King Surveys Her Long Literary Career and the Pleasant
Memories of Her Hours with Boston People.*

By LOUISE HUBERT GUYOL.

(Boston Evening Transcript, September 29, 1923.)

When George W. Cable was in the heyday of his popularity as a novelist, except in that section of the country about which he was writing, Richard Watson Gilder, guest of honor at a dinner in New Orleans, spoke in high praise of him. But Grace King, daughter of the hostess, did not hesitate to express her opinion against Cable and all his works. "I abused him," she said to me the other day, "as only a New Orleans person could—not really abuse you know, it was a sense of resentment, of having had our feelings hurt. I admired the Gilders immensely—Richard, Joseph, Jeannette, but I did not admire Cable and, being foolish and young, I said so. Of course I understood even then that he was a genius, but he did not understand the Creoles."

Mr. Gilder apparently also lacked this understanding, for he turned to his hostess, her guests and the daughter of the house, and challenged Cable's critics to write better stories of New Orleans. The next morning Grace King began "Monsieur Motte," which a short time afterwards appeared in the first issue of the Princeton Review. Thus began a literary career of singular distinction that is still in its finest flower, for Macmillan has just accepted "La Dame de Sainte Hermine,"—"a delightful romance" they call it—the last words of which Miss King was writing that golden day in August when she granted me an audience.

"I'll show him!" Miss King told me she muttered to herself, as she mounted to the attic of their home in Rampart street, then the centre of the old régime in New Orleans. She was thinking both of Cable and of Gilder. "I had no idea what I was going to write. I had never written anything. But the story wrote itself, ... eighty pages of manuscript. I wrote legibly and rapidly. Then I read my story over. Of course it was not equal to anything that Cable has ever done. He writes things of genius. I didn't know what to do with the story, so I consulted Hawkins,

an old second-hand book dealer with whom I often chatted about books and art. He suggested that I send it, under a fictitious name, to the Century Magazine of which Mr. Gilder was then editor. It came back so quickly that it made me dizzy. Soon afterwards, however, in rather a roundabout way it found a publisher."

The young author laid aside her story, and went about the business of the day which, at that particular moment, happened to be a literary club. "It was a new thing then," she said, "and I thought it wonderful, especially when my turn came to read a paper. My theme was Heroines of Novels. I described them all in my best style, which was fresh—it came of itself."

The morning after Miss King had read her paper to the Club she received a formal visit from a stranger who had been present at the reading. He asked for the essay for a New York paper, and later it was republished in a British paper. Charles Dudley Warner—whom the Kings knew well—he was then with Harper & Brothers, wrote to her: "I thought I was a friend of yours, and that you would have sent your manuscript to me."

"Monsieur Motte" was still in the wrapper in which it had been returned by the Century Company, and she sent it to Mr. Warner. Later he told her he had taken it to Henry Mills Alden, editor of Harper's Magazine. "Put it on the desk," said Mr. Alden. "I'll read it when I have time." Mr. Warner obeyed, but on his way out he met William N. Sloane, who was preparing for the debut of the Princeton Review. "I have everything I need," Mr. Sloane said, "except a good story." Said Mr. Warner: "I have one for you. Wait a moment." He returned to Mr. Alden's office. Mr. Alden was out, so he took the story and gave it to Sloane. "He was glad to get it," said Miss King, "because it was Southern. Princeton has always liked the South. I received a check for \$100. It looked like \$10,000. I went at once and opened a bank account with it."

At Mr. Sloane's request, Miss King wrote three more chapters of *Monsieur Motte*, thus completing the volume that was published in 1884 by Armstrong & Co. A worn copy of this edition is today in the Boston Athenaeum, fitting home for a story that won the commendation of Thomas Wentworth Hig-

ginson. He sent a copy of the Princeton Review to Charles Dudley Warner, writing: "Here is a story that will interest you immensely." "Gracie," said Warner when in New Orleans, "this is praise indeed," and he presented Miss King with the Colonel's letter. "It is upstairs now," she said with a gesture in the general direction of the upper regions.

We were seated in the parlor, long, high ceilinged rooms in which nothing has been changed since 1830. French windows opened onto the front gallery and in the windows at the far end were violet tinted panes, reminiscent of Beacon Hill. The carved tables and the high back chairs, even through their covers of cool white linen, helped us to agree with a caller who said: "This parlor belongs in Paris." A parlor in the truest sense of the word, for the Kings have always been the centre of a circle of men and women whose word is of proven value in the world. The Gilders, Charles Dudley Warner, the James T. Fields, Ruth McEnery Stuart, the W. D. Howells, Mark Twain, Henry Mills Alden, Julia Ward Howe, and her daughters.

Mrs. Howe went to New Orleans to take charge of the Women's Department of the Cotton Exposition in 1880. "My mother called on her," Miss King said, "and that led to a delightful friendship. She was one of the most charming women I have ever met, and very clever. Maud Howe Elliott was with her. She was very beautiful. That is a golden memory in my life." Into her face came the indescribable smile of a person seeing a vision of delight, and the same look was in the eyes of Maud Howe Elliott when in Newport, the other day, she too recalled the friendship of the Kings. In her book, "Three Generations," which Little, Brown & Company will publish in the fall Mrs. Elliott has devoted a chapter or so to her recollections of New Orleans. Grace King's mother, she told me, was the leader of a group of staunch friends of the ancient régime, who were gratified that Mrs. Howe had been given an official position at their Exposition, as opposed to a small group of New Orleans people who felt that the honor should have gone to one of their own.

"We always liked Northern people," Miss King had said when telling me of this incident. "And they liked the South. Even Mark Twain, in his secret heart, though so opposed to slavery, preferred the South. He was full of such good stories, so much true poetry," again her eyes seemed to see the golden past,

"a perfect character in his own house, unselfish, kind and of course entertaining no end. I shall never forget the first time I saw him. I was staying at the Warners—Charles Dudley's. The Clemens house was just behind theirs. I saw a man coming through an avenue of trees, a very handsome man, young with gray hair. He would have been striking anywhere. I knew it was Mark Twain. It could not have been anybody else. He came into the house. 'I want to see Grace King,' I heard him say. Of course I did not fly into his arms, but it was what I wanted to do. Mrs. Clemens called the same day, she was one of the loves of my life. The following summer I was their guest. Every day was spent the same way, we would take long walks, tramping everywhere. Then we would sit by the hour while he read to us. I spent several months with them, later, at the Villa Viviana in Italy."

A photograph of Mark Twain hangs on the wall of the Kings' parlor. Just above it is a painting of Charles Etienne Gayarré. "Gayarré was an intimate friend of my father's," Miss King's voice was very tender as we looked up into the keen, intellectual face of Louisiana's great historian, "and we were like his own children. How he talked to us, of books and books, and always books. We spent many summers with him at Roncal, the birthplace of his family in Spain. My memories go back and back, with him."

Not just into the days in which he had lived did Grace King travel with Gayarré, but farther back into the early days of Louisiana. Her historical works, though not so extensive as her master's, are none the less authentic. It was Hamilton Mabie who first suggested her to Dodd, Mead & Co. for one of their series on "Makers of America." "It was a tremendous project, I did not think it would give me the choice of a character. Getting the material for that book was about the hardest work I had ever done. No one had written anything historical about this section of the country except Gayarré and he had stopped."

This was the beginning of Grace King's work as a historian, and to her credit are "Jean Baptiste Lemoine, Founder of New Orleans," "De Soto and His Men in the Land of Florida," "History of Louisiana," and "Stories from the History of Louisiana." "New Orleans, the Place and the People," is always in demand, as is her "Creole Families of Louisiana," published a year or two

ago. The material for her forthcoming book was in the archives of the Cabildo.

"I was lucky," said Miss King, "in having been born in New Orleans and brought up at a most interesting period of its history. Like de Musset, 'mon verre est petit, mais je boire dans mon verre'."

The glass from which Miss King drinks may be small, but she keeps its contents of the purest, refusing to dilute them even according to the peremptory recipes from publishers. While the World War was raging, her publishers asked for a story of reconstruction days in Louisiana, following the Civil War. She wrote and sent them "The Pleasant Ways of St. Médard." It was returned with the request that she make it a love story. "It is a love story," she said resubmitting it, "what is it but love that held these people so valiantly together in those tragic times?" That was not the kind of love, however, that the publishing house readers had in mind, and again the manuscript came home.

"You didn't put in the love story," I said. It was more an affirmation than a question, for I had read the book.

"I would have been burned at the stake first!" Miss King spoke quietly, but there was something in the straightening of her shoulders and the lift of her chin that impersonated art triumphant.

"And they accepted it as it was?" I too was triumphant.

"Ah, no, they did not. Another house did, however, later on. Thomas Nelson Page thought I was wrong. 'Rip it up, Gracie,' he said, when I told him about it, 'and put in a thread of a love story. Any kind of love story. That's what I had to do with "Red Rock."' And that, I told him," again the quiet dignity born of the consciousness of right that only a supreme artist can know, "is just what keeps such books from being such great novels."

Grace King, her sister and her brother, the late Judge King, were in London in 1913 when Walter Hines Page was ambassador. "He called on us and asked us to go to his Fourth of July reception. We knew the great rabble would be there, and we tried to get out of going, but he said he wanted his old friends there. He was at Claridge's Hotel. We went, all dressed up in our best, our carriage in line, creeping along. Then, in line, we walked into those beautiful rooms and, slowly, step by step, we were advanc-

ing when Walter caught sight of us, rushed down and, with hands outstretched, took us away—mussed up the line—” Miss King laughed. “Several times afterwards we had tea with Mrs. Page and Lady Cavendish.”

Miss King talked of Europe and conditions there until I could bring her back to tell me more of her own work. After the appearance of her first story she not only has never had a manuscript rejected, but all of her writing has been done at the request of publishers with the exception of “Balcony Stories,” exquisite vignettes of life in Louisiana. There were a dozen of these, written she says, because she fell in love with the idea after trying out the first two or three. Acting on the advice of Ruth McEnery Stuart, who said she always took her stories to an editor’s office and stayed there till they were sold, Miss King took “Balcony Stories” to the Century Company. She spent three hours there, laughing with Richard Watson Gilder over his swift return of her first effort, and charmed by the conversation of Robert Underwood Johnson. In the meantime readers were busy with the manuscript and before she left the offices her stories were accepted.

“No, it was not genius, nor talent,” Miss King tossed aside my little word of admiration, “just circumstances that helped me. My mother was very delightful. When people came to our house she charmed them. If I have any talent for story telling I got it from her. She could tell the most delightful stories about everything. I think everybody that passed through New Orleans came to our home. We had a wonderfully fine cook. Cécile her name was. She was a typical French negro, knew all the voodoo ways and went to all the voodoo balls. She was handsome, of her type, and would not wear anything but the real bandannas, that came from the East Indies, not the cotton ones.”

“What is the difference?” I asked.

“Five dollars,” promptly she answered, and she then went on to tell me of a dinner that her mother had given to Sigñor Diaz, brother of the president who had entertained them when in Mexico. “Cécile prepared the dinner, such food, such wines, (you may let your language flow in describing it) but I have never seen a prettier service nor eaten a better dinner. After dinner Sigñor Diaz sent for the cook. ‘I want to compliment her on her

dinner,' he said. Gentlemen always did that. Cécile was sent for and appeared in the door of the dining room, wearing a new bandanna tignon and a new black silk apron. A bottle of champagne was opened and Sigñor Diaz, standing toasted her; while we drank her health, she acknowledging the toast, between sips with 'Salut, Mesdames, Salut Messieurs,' courtesying as she spoke."

"'Cécile,' said Signor Diaz, 'do you often prepare such dinners?' Cécile shrugged her shoulders, 'Mais oui, tous les jours.' (Every day). Which, of course, she didn't. But she was very proud, and always went to market with the biggest basket she could buy. She said it did not become our family to send a small basket to the market."

I could see the majestic old woman, receiving due homage with immense dignity and that quiet consciousness of right that only a supreme artist can know, which she shared with the daughter of the House of King. Her mistress sketched a graphic picture of Cécile as she has of all her other characters, whether in real life, in fiction or in history.

In "New Orleans, the Place and the People," there is a chapter entitled, "The Glorious Eighth of January." Herein Miss King has described the Battle of New Orleans in a way that won the admiration of one Pakenham himself, great-nephew of the general who was there. Pakenham, when he met Grace King in England, presented her with a copy of the book, requesting her to autograph it and praising her work, particularly that chapter in which his great uncle figures.

"Writing of New Orleans and Creole families," Miss King remarked, "has brought me strongly to the front in local history, so when anybody comes I am brought forward." Miss King thus tried to explain her popularity. But all New Orleans loves and admires her. At a recent reception in her honor held at the Cabildo, ancient seat of ancient law and now home of the Louisiana State Historical Society, hundreds of people, turned away from the doors, stood outside, in Jackson Square, specially illuminated for the occasion, hoping to hear the echo of her voice as she thanked the people for the loving cup they gave her. "At the end of my little speech," she told me this much of the story herself, "the side door opened, and a procession of people en-

tered bearing flowers, which they laid at my feet—it was truly a New Orleans touch, so gay, so picturesque. I rather feared it was going to be ridiculous, but it was not."

General Gouraud, just before his visit to Boston, was also a guest of honor at the Cabildo where Miss King was in the receiving line. "Gaspar Cusachs, president of the society, presented him to me. 'You know I am secretary of the Historical Society,' I said to him, trying to explain why I had so prominent a place in the receiving line. 'You are going to present me with a copy of your book,' was his answer, and he held out one of my books. 'Be sure and write your name in it.' I borrowed a fountain pen and scribbled his name and a little homage to the general and took it to him. His eyes gleamed and his face brightened, and he kissed my hand. 'Twas too great an honor. 'C'est trop d'honneur,' I told him. But I was glad, for the people here take a compliment to me as a compliment to the city."

Miss King has never before granted an interview to anyone. "Like de Vigny," she said, "I retired to my tower of ivory and here I have lived for many years. But, perhaps, it is time now for me to come forth, especially," she smiled so graciously, "when under escort of the Boston Transcript." She is so excessively modest about her own work that I would feel as though I were infringing on her privacy, when I note one or two things that are not mentioned in *Who's Who*. But I have her permission, although reluctantly given, to say she is a Fellow of the Royal Society of England, "I always thought it was a mistake," she laughed, "though I have the diploma upstairs. I have received the Palms of Officer of Public Instruction of France, and degree of Doctor of Literature from Tulane University. And all because of Richard Watson Gilder's challenge years ago. I told Cable about it, when he was here, two years ago. I understand him now. I would say he wrote too well about the Creoles. He wanted to read something of his at a meeting of our Historical Club. Some of the members objected, but we finally made arrangements. He captured the audience. Everybody rushed up and shook hands with him. Many of us never dreamed the day would come when we would shake hands with Cable. He told us a little story of a Confederate who served in the war and was wounded. It was beautifully written and really the most com-

elling little incident I have ever heard. The hall was packed. When he finished everybody stood up, and I never heard such applause. I am so glad that at last he got that compliment from New Orleans. He deserved it, not only as tribute to his genius, but as compensation for the way we had treated him. I am glad. He is an old man, very picturesque, very sad, with beautiful manners."

The radiant light of the past again shone on Grace King's face. After a while I asked her if she had ever been in Boston.

"Miss Cénas took me," she answered, "many years ago. Miss Cénas was my teacher, to whom I owe more than I can say. It had always been the dream of her life to take me there. We stayed at the Parker House and I spent most of my time in a little old book store not very far from there. The owner reminded me of my old book store friend in New Orleans and I used to love to go in there and talk with him."

It was T. O. H. Perry Burnham, whose Antique Book Store was a grown up establishment when Miss King was a baby, and had moved to the place she loved to haunt, opposite the Old South Church, in 1858. Around the edges of the old handbill, announcing this removal, run the words, at the top—"Here you may range the world," (turn the hand bill round and read along the right hand side), "with the magic of a Book; plunge into Scenes of re—" (turn it upside down and read the line on the lower edge) "mote ages and countries, and cheat," (now we read the line along the left hand margin), "expectation and solitude of their weary moments." Turning the bill to rights again we note among other things that "his stock" (always the old English s), which he is "constantly making additions to, comprises the largest collection of books, antique and modern, consisting of Law, Medical, Theological, College, School and miscellaneous, to be found in the United States. . . . All the new and popular books of the day added as soon as issued. Cash paid for old and new books, and books exchanged on liberal terms." No wonder she loved to linger here and that Miss Cénas had to tempt her away with the James T. Fields.

"When she asked me if I would like to call on Mrs. Fields, it was like asking me if I wanted to enter the kingdom of heaven. We went. Mrs. Fields wore a black satin dress, and a lace veil

over the back of her head. She was very beautiful, she and Maud Howe Elliott have always been great rivals in my mind, they were both so beautiful. I was her guest one summer at her lovely home in Manchester and afterwards in Europe. She was the quintessence of Boston, the epitome of everything that Boston has ever produced that is refined and exquisite and delightful."

Is it not the same essence that one finds in New Orleans as in New England, distilled from the same high sources—a something of the spirit that blesses him who gives and who receives? I am sure it is, especially as I recall Miss King, daintily regal in the cool shadows of her high ceilinged room in New Orleans and Maud Howe Elliott splendidly regal in a highbacked chair in her book-lined room in Newport. It was the gracious spirit that spoke in Mrs. Elliott's delightful acknowledgment of the point of view of the Louisianians who resented Julia Ward Howe's prominence in their state so soon after the Civil War, and in Miss King's happiness because George W. Cable had at last received from his one time enemies the honor that was his due.

THE DISTINCTION OF GRACE KING*

Has America a more distinguished woman writer than Grace King? Have any American writers—men or women—sent forth better short short-stories? Have any of them painted a local color so effectively? Have many of them so loved the locale of which they wrote?

Grace King deals with one place, makes no pretense of knowing another. But she knows that as few people, no matter how they concentrate, how they confine their interests, know a locality. She sees in detail and in the large, she sees both the surface and the soul of things. And, of prime importance, she has a rare historic background.

For she is both historian and story-teller. She is steeped in the lore of the land with which she deals, and as truth is full of unbelievable things her fiction with its background of truth is by that the more impressive; is for that reason memorable. Writes she of pillared plantation home, of shuttered and galleried New Orleans abode, of cypress swamp, of pirogue on bayou, of

*This article is reprinted from the October 1923 number of "The Step Ladder," a literary magazine published by The Order of Bookfellows, in Chicago, Ill.

intrepid explorer, of wise administrator, of Spaniard or French, of proud dame and pampered demoiselle, all live again, and all are very much alive.

Grace King, now well on in years, from time to time still sends forth those finished pieces of work that are such a delight to those familiar with her contribution to American literature. That work is never loudly heralded, she never is proclaimed by the various kinds of press agents, as among the best sellers; but she doubtless will be read long after the "best" are wholly forgotten. For she is an artist in the true sense of the word, not a "commercial artist."

Her output is not quantitative. But all that she has published has a characteristic distinction and charm, in addition to convincingness and eloquence. I recently introduced to an elderly lady of French extraction Miss King's book, "New Orleans, the Place and the People." The lady in question had lived in New Orleans sixty-odd years, her people had dwelt there ninety-odd, but she was not acquainted with Grace King's work, having had more of French literature than of English or American. On beginning the volume I loaned her, she wrote me: "Your book came and I started devouring it, but I cannot go to the end without thanking you for having introduced me to Miss Grace King. To my shame I must say that I did not deserve it, for I ought to have given you that pleasure. Although a familiar subject it is so well treated, with the same emotions that I have."

To meet Miss King personally is no disappointment. She looks the part as one would have her; high-bred, distinguished, with something of a foreign air. She speaks French like the French, has from girlhood been closely associated with the Creole element of New Orleans society, knows intimately the descendants of the Spanish and French who for generations held high place in the councils and social life of Louisiana.

When I was in New Orleans a few years ago I found Miss King dwelling in the sort of house one would associate with her, one of the old spacious houses exteriorly and interiorly interesting. Her cypress flooring was covered with mahogany and maple inlay. On her walls hung portraits of generations of personages associated with the history of Louisiana, her rooms were lighted by the same crystal chandeliers that shed light on the great-grandfathers; and the self-same pier glasses reflected the forms of today that had given back those of day-before-yesterday.

Only Titine, the little white dog that came forward to shake hands with the visitor, seemed wholly of to-day. And she bespoke pedigree; there was no lack of suggestion that ancestry counts. Dainty white-haired lady, white-coated dog, one white rose in a tall silver vase, the three stood out in the dim rich room. On these I was willing to linger, but my attention was called to the array of photographs of distinguished contemporaries of the mistress of the house, of writers, musicians and travellers with whom friendships were made when they halted now and then for a sojourn in the Crescent City.

During the interview Miss King dropped a phrase full of meaning. "Yes," she said, "here in New Orleans we have the 'nouveau pauvre'." One saw in a flash how much the phrase told—the fall from easy wealth to abject poverty, at first the helplessness, then the rebound; the poverty worn proudly, valiantly. And as the talk progressed a sidelight she gave on the race question, and in a few words: "It is a pity and wonder, but the negroes thought freedom meant that they would not have to work any more; even now if they work they consider they are not free."

It was years ago that Grace King wrote those unforgettable "Balcony Stories," years ago that she made readers far and wide acquainted with the quality of the people who dwelt in the pillared homes and behind the closely-shuttered windows. You who read the brief tales when they appeared in "The Century" have not, I am sure, forgotten them: La Grande Demoiselle, that haughty, infinitely capricious young girl to whom War brought such stern discipline; and there still lurks in your memory, does there not, the deathless arrogance of the General and the tireless patience of Madame in "A Drama of Three?" You of a younger day and unknowing the stories as magazine tales, also perhaps one of those unfamiliar with Louisiana life, would you like to know just what is meant by the word "bayou?" Read Miss King's "Story of a Day" and you will have a definition you will remember; while the story is that rare thing, a real love story. In "Anne Marie and Jean Marie" what pathos. In "A Crippled Hope" what understanding of the maternal tenderness that dominated Mammy; in "One of Us," what sympathy for the maternal feeling that survived in the aging, stage-worn supernumerary of the opera troupe. Humor and poetry, intimate knowledge of sim-

ple ways as well as of stately homes, delicate characterization, dark pictures of the late sixties in New Orleans, details of super-human struggle by father and mother to keep their flock from degradation, all these mark the book, "The Pleasant Ways of St. Médard," the novel published in recent years. And a distinct contribution is her latest book, "Creole Families of New Orleans."

Do you know another who writes a preface as does Grace King? Who therein in quite the same way takes you into her confidence, tells what she feels and what her ideals were concerning what follows in the book. In all her work there is style, artistry, but in the preface she strikes her best note. I like especially the one that marks the last edition of her "Balcony Stories." Her own favorite is found in "New Orleans, the Place and the People."

"South is South, and North is North." Climatic conditions may account for the difference in the way of softness and sweetness in the South; also for the temper and the fire; for both are noticeable there, both correspond with the wonderful sunshine and calm alternated by the torrential rains, by the lightnings sharp, continuous, all too close. Softness, sweetness, wind and tropical storm, these, an inseparable part of Louisiana, are not wanting in the work of Grace King. And, as the New Orleans lady of French extraction put it, "the subjects are well treated, with the same emotion that I have."

KATHERINE POPE.

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Compiled by Wm. Beer.

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AN OLD LADY'S GOSSIP
OF LIFE IN LOUISIANA IN THE MIDDLE
OF THE LAST CENTURY.¹

Edited by Cecile Willink.

She was a born raconteur. In memory I see her yet, holding us with her inimitable charm. Before the hearth she would sit, a petite lovely figure, with jet curls dancing and gray eyes a-glow, her full skirts spread about her, with our family, an attentive semi-circle, as the "audience."

Miss A.² was a frequent visitor at our home, and of all the stories she told us, we found none more delightful than those of a visit she made to New Orleans. Without her knowing, I used to jot down bits of her chatter, which have since given pleasure to many of my friends.

Early in the '50s, Miss A. was the guest of some friends in New York. One evening a gentleman from New Orleans came to dine. Before leaving, he said:

"I promised my friend, Mr. Roman,³ that I would try to find some young lady in New York who would return with me to New Orleans and talk English with his daughters. They speak French

¹This old MS. was given to the Quarterly by a member of the Louisiana Historical Society, who says that it was given her many years ago by a friend who received it from the writer of the reminiscences. It is reproduced here because of the interesting picture it gives of life in Louisiana the middle of the last century.

²The only inkling we have as to the identity of "Miss A." is that she was after her marriage a Mrs. Gardiner Greene.

³The "M. Roman" here referred to is Andre Bienvenu Roman, governor of Louisiana from 1831 to 1835 and again from 1839 to 1843. At the end of his first term he was defeated by Edward Douglas White, father of the distinguished late Chief Justice White of the United States Supreme Court.

One of the striking characteristics about him was his modesty. His last message to the Louisiana Legislature contained these words:

"I leave the office with which I have been honored with the painful conviction of having done very little for the good of the state and having often failed in preventing what was injurious."

His contemporaries, giving credit where it was due, however, ranked him as one of the most prominent and gifted public men in the state of his day.

Roman died 57 years ago, in 1866, dropping dead on the streets of New Orleans and was buried in the family tomb of the St. James Parish churchyard on the west bank of the Mississippi River across from the little town of Convent. An interesting event took place with regard to the tomb of this distinguished gentleman last March, when the ancient tomb was repaired. He had been buried in a heavy cast iron coffin, and when this was removed by six strong men, the sexton pushed aside the swinging iron panel that covered the glass and to their astonishment, saw the former governor, unchanged by his rest of 57 years in the tomb, and looking just as he had looked in life. A number of his descendants made a pilgrimage to the tomb to look upon the face of their great-great ancestor. (Data from New Orleans States of April 1, 1923, in an article by Melgs O. Frost.)

too continually, and would like some one of their own age with whom they could talk freely and really learn English."

"Oh take me," urged Miss A. "I should love to go."

And she did go. It was settled that evening and they soon departed on the 21-day voyage to New Orleans, sailing from New York.

The trip was very interesting. There were only three passengers. The old Captain was very thoughtful and considerate and saw that Miss A. had every attention. There was a kindly old Irish stewardess too, who looked after the needs of the passengers, but when the wind blew, she was scared out of her wits. One day at dinner everything on the table took a slide and she was very much frightened.

The Captain added his little pleasantry too, which did not reassure her.

"Go call a sailor to put a spike in the scupper hole," he said. The ship ran another pitch.

"Did you do what I told you?" he asked.

"Yes," came the answer, which brought a great laugh.

The voyage was around Key West, through the Gulf of Mexico and into the mouth of the Mississippi, then up the river, towed by a tug.

They anchored and landed before the French Market, and very soon a venerable, fine looking old gentleman came on board, followed by two negro servants. After being introduced, he handed Miss A. a letter from Monsieur Roman, expressing disappointment at not being able to meet her himself, but introducing Monsieur Landreaux, his father-in-law, whom he sent in his place. Monsieur Landreaux gave her his arm and they left the ship.

Walking through the French Market, they found a Babel of tongues, English, French, Spanish, Italian, Arabic, in fact every nation under the sun seemed to be gathered there. They crossed the Place d'Arms and observed the old Spanish Cathedral which faces on that square.

Turning into Rue St. Louis, they passed the handsome St. Louis Hotel, and two squares beyond stopped before a large house with a porte-cochere and a small wicket gate at one side, which was opened by a little darkey, who admitted them into a long corridor, or vaulted passage, leading to a carriage drive, at the end

of which, (facing a stable in the rear), was a wrought iron gate shutting off the courtyard. A similar gate at the foot of a broad flight of stairs led to the first floor of the house and then continued to wind round and round to the top of the house. The only security was the iron gate at the bottom.

"Madame Roman and her two eldest daughters stood at the head of the stairs and made me welcome," said Miss A., "she took me to her own room where she introduced me to old Marietta, the Virginia nurse who looked after all the servants and kept the keys. Then she took me to my room, saying, 'This is your room and here is your maid, and *S'il y fait toi gros comme ca dis moi.*'"

The maid's name was Barbette. She was not very black and about fifteen and always within call, as she slept on the floor just outside the door.

Clarisse was the little shopping girl. She too was light colored and as saucy as could be. Ladies never went to the shops.

Very interesting figures were the street vendors. The Marchand Rabus would go through the streets, crying, "*Marchand rabus, oh rabus*"—a delicious Sunday morning breakfast cake. Women with great flat baskets on their heads would call out, "*Calas, Calas, belle Calas, toute chaude,*" which were cakes made of rice flour and fried and sold "very hot." The familiar cry at night was, "*Creme a la glace, a la polka, creme a la glace, a la cracov'eme, a la mazurka!*"

In April, which was strawberry time, the Roman family would go to the plantation.

The strawberry bed was in one of the magnificent magnolia groves, of which there were two, one being the negro burying-ground. The strawberries were gathered and brought to the house in great baskets which the negroes carried on their heads. The walk from the levee to the house was bordered by live oak trees.

This spring trip to the plantation was one of the most delightful events of the year, for then it was that they made the delectable orange flower syrup.

On either side of the plantation home were little orange groves and in blossom time the petals would fall like snowflakes and fill the air with sweetness. Little darkies, carrying flat baskets would pick up the petals with long thorns.

Toinette was the confectioner, and delicious were the syrups and candies that she made. A big fire of *Copeau* (shavings from hogsheads) would be made, and over this would be hung an enormous brass kettle filled with "syrup naturel," into which the children would empty their baskets of petals. In this way was made the delicious orange flower syrup, which was the favorite drink in warm weather.

"When you call upon a Creole family on a warm summer day," Miss A. used to say, "you are sure to be served with iced orange flower water; a negro always brings it in on a tray, or the still more delicious violet syrup water, made in the same way with English violets as the orange flower syrup is made."

These spring visits to the plantation were play time for the children. They had no lessons or studies. Madame Roman employed the opportunity to cut out clothing for the whole plantation, assisted by two women. Each piece was neatly rolled up and sent over to the hospital, where the women sewed the garments, and then Madame Roman inspected them. When all this spring work was done, the family would go back to the city, the children to their lessons and French nurses, and stay until the yellow fever would break out.

The plantation home was a regular one-story plantation house, square built on brick posts, ten feet from the ground with a broad flight of steps going up in front. There was a central hall, with a carved mantel-piece, and an open fire. All of the rooms opened out of this hall, the doors of which were open but curtained. There were many beautiful trees about the house, principally the acacia, so lovely when in blossom. This house was very plain but Mr. Roman's brother had a beautiful and more

'Ice was not manufactured until after the Civil War, and was during the '50s still a luxury. It was brought down by boat on the Mississippi River from the northern ice ponds, (as the era of the locomotive had not yet dawned), and was sent out by boats on the bayous from New Orleans to the people who lived on plantations.

Thus the charming hospitality of the Creole hostess of that day was not an insignificant thing. The petals of many flowers were used to make these delicious syrups, as the Creoles had no taste for tea and warm summer afternoons were too uncomfortable for "café noir."

modern home about ten miles away on the Valcour Aime Plantation.⁵

This plantation was like a village. But, "it is not a village" you would be told, "it is a Plantation, and Monsieur Valcour Aime is the king of the coast."

At this point the Mississippi washed away from one side making a batture on the other, so that the land on the Valcour Aime Plantation increased, while on the other side it diminished.

Here lived Madame Valcour Aime, ("Ma Tante Josephine," as she was called by the Roman children), who was very handsome and the mother of two beautiful daughters. The family mansion, (at one time the old Roman home, which the brothers gave up to their sister, Josephine), was in the center. It was built in Spanish style, with an open court; paved floor; one story above; a broad winding stair-case ascending to the living rooms.

Madame Valcour Aime's garden was an enchanted spot, unlike any garden in the United States. It was laid out by a French gardener. The night that the last daughter, Felicie, was married, it was a fairy scene. The French gardener had used all his skill and imagination. The whole place was a blaze of light. The guests were led out into the garden and soon heard the sound of water. Turning into a walk, they were charmed to see a real cascade rushing over the rocks, brilliantly lighted. They walked through this beautiful garden, round an artificial mountain with bridges over the stream, which was carried all through the garden. A winding path to the top of the mountain led to a Chinese Pagoda. There were flowers, flowers everywhere. After wandering in this maze of flowery beauty the guests were led back

⁵Valcour Aime, like his brother-in-law, Andre Roman, was a wealthy sugar planter of St. James Parish, and is credited with being the pioneer in refining sugar directly from the sugar cane juice. His son, on completing a costly education in Paris, died of yellow fever on his return to New Orleans. The grief of Valcour Aime is said to have been so great over this loss that he became a religious recluse. Every Christmas night, by his orders, a special Mass was said in the old St. James Church, then one of the finest in Louisiana. Riding in from his plantation eight miles distant, with only his slave negro body-servant attending him he would sit alone in the church through the service.

His young daughter, who possessed a beautiful and finely trained voice, wished to sing for him there one Christmas night. She concealed herself in the church at the midnight Mass. When her time came to sing, her rich young voice broke into the notes of the "Gloria In Excelsis Deo." Valcour Aime rushed forth from the church and into a storm that had arisen. On his way home he contracted pneumonia and died. He is buried in the churchyard near his brother-in-law, Andre Roman, made beautiful by the fourteen Stations of the Cross painted by an Italian artist at his order. (Data from article from New Orleans States April 1, 1923, by Melis O. Frost.)

to the dining room where fruit, confectionery, all sorts of delicious cake and wines, were spread. Then there were toasts and speeches.

Nor was the interior of the house less lovely for this wedding scene. The staircase was banked with flowering plants, and the room in which the wedding took place was decorated with sugar cane and green corn. The chimney-piece, from ceiling to hearth, was a mosaic of flowers. The little altar, also covered with flowers, was placed in front of this mosaic background, and here the Priest performed the ceremony. The bride was beautifully dressed.

The children and grandchildren also lived on this Plantation. A house was built for each child who married and would stay at home. The whole family dined together every day. There were also separate houses, called "Garconieres," for their visitors.

One year the sugar house burned on M. Roman's plantation, and the family decided not to go to town, but to spend the winter on the Plantation. That same year a serious insurrection broke out on the Island of Martinique, when the slaves rose against their masters. Madame de Guerre, with her family, left the Island in an open boat and made their way to St. Thomas Island. From there, they went to Charleston, where Dr. La Faye de Guerre thought he might get practice. Not succeeding, however, he was advised to go to New Orleans. He remembered a friend who had been in the medical school in Paris with him, young Doctor Landreaux, (Madame Roman's brother), whom he wrote. He was told of *l'habitation* practice; that the practicing physician, Dr. Merique, was very old and that there might be work for him at St. James. He decided to try the venture.

Dr. de Guerre took a house opposite Mr. Roman's Plantation. Before long one of his children was taken ill with "*la fièvre pernicieuse*" and died. M. Roman was asked to be one of the bearers. He went across the river in a row boat and came back much impressed with this charming family, the old grandfather and grandmother, M. and Mme. de Sanios, Dr. and Mme. LaFaye de Guerre, and one little girl.

As time went on, Mme. de Sanios was taken ill and died. Again they sent for M. Roman. He came back distressed over the sorrows of the family. Next, their house caught fire and

burned. M. Roman took three boatloads of negroes to help them. Going over with his boats, he moved the family across, and bundling his own daughter and her husband out of the *Garconiere*, he installed the unfortunate family in that place.

M. Roman became so fond of the de Guerre family that he soon built them a house on the Plantation, in a little grove of trees, and the Doctor enjoyed the whole practice of the place.

But the old gentleman, Monsieur de Sanios, was in deep affliction over the loss of his wife. He was cousin to the Empress Josephine. One evening, as he stood with his back to the fire, Miss A. asked him about Josephine.

He replied: "I never knew but one woman as charming as Madame de Sanios, and that was my cousin, Josephine."

Then, putting his hand into an inside pocket he drew out a miniature set with rubies, diamonds and pearls, a beautiful portrait of Josephine. He told Miss A. that when Napoleon was in Italy he had sent him with some special dispatches to Josephine, and made such good time that the Empress in her delight and gratitude presented him with her miniature, a beautiful thing done by some famous artist.

One afternoon in 1857, on hearing the boat come up the river, they all ran out on the gallery. A boy brought up the papers and Miss A. opened the "Picayune." The arresting head line was "*Coup d'Etat*"—Louis Napoleon had declared himself President. Every one gathered to hear the news. Old M. de Sanios was overcome. He wrote Louis Napoleon and received a very agreeable answer inviting the entire family to come to Paris. They went and were well received. A residence was provided for them and they spent the rest of their lives in France. Dr. de la Faye was so grateful to M. Roman that he would say, "O mon chere bon Papa," and throw his arms around his neck.

Social life in New Orleans was a brilliant and elegant diversion. Fashionable balls were given in the ball room of the beautiful St. Louis Hotel, which Miss A. used to describe with charming realism.

"There were little box seats entirely around the room occupied by the Mamas and Grandmamas, fat old ladies, very homely and very bald. But the young girls were extremely pretty. Mr. James Wetmore used to say, 'Temptation in the front seat and Correction behind.'"

Creoles, (children of foreigners born in this country), are very good dancers.

Marie Louise Adelaid would go to the balls and Faneant would watch her with jealous eyes if she favored any one but him with her dances. Finally, they were married, at home in New Orleans, and a very pretty wedding it was.

Euphemon, (Monsieur Roman's nephew), and Miss A. selected a beautiful carriage for the bridal pair and, according to the custom, the bride and groom drove out and called on their friends, the bride wearing her lovely wedding bonnet and white veil. One of the rooms of the home was refurnished, and they came and went as they liked, till at length M. F. took his bride to the Plantation. During the war they went abroad and never returned.

There was one unhappy note in the romance—Euphemon. He also loved Marie Louise. Every morning he was seen on the stairs with a bouquet of flowers to greet her at breakfast. But he was very little, and as if to stretch his stature, he had his tailor put as much cloth into his clothes as into his uncle's, and he always wore shoes much too large for him stuffed at the toes with cotton.

Miss A. told us many other delightful incidents of her visit to New Orleans, which have made us wonder much about Louisiana and its charming people. Perhaps we shall see it some day; but if not, we have her stories to mingle with our own dreams and fantasies, and who shall say that dreams are not real?



ADRIEN ROUQUETTE: POET AND MYSTIC¹

By G. William Nott.²

Perchance a good fairy hovered near when Adrien Rouquette first looked out upon the world. If so, she smiled on him, and then and there endowed him with precious gifts.

The twenty-sixth of February, eighteen hundred and thirteen, marks the date of his birth, and Architect's Row in Rue Royal, the place. His parents, Dominique Rouquette and Louise Cousin, were heir to French culture and education of many generations, and it was amidst surroundings of refinement and luxury that the child's earliest years were spent.

Shortly after Adrien's birth, the family moved to a spacious home on Bayou St. Jean, the garden spot of the old Creole City, and here, inhaling the perfume of the illusive sweet olive and delicate orange flower, listening with rapture to the liquid notes of the mocking bird, the boy formed his first ties with nature.

Close by the villas of the Bayou, was a Choctaw settlement, and often towards the close of day, the slender, dark-eyed child would wander off to the cabins of his Redskin friends, and listen with awed attention to their tales of sombre pine thicket and sluggish stream.

With them he learned of the wily raccoon and cunning opossum; of the fleet-footed deer and plaintive whip-poor-will; the furred and feathered denizens of the forest.

Though these rambles were frequently a source of grave discomfiture to his parents, the child Adrien was never so happy as in the company of his dusky friends.

When eight years old, Adrien was sent to the "Collège d'Orléans," a school attended by the élite of the young Creoles. Though his intelligence left nothing to be desired and he possessed a retentive memory, his lack of application and highly imaginative disposition made the routine of the class-room extremely irksome to him.

In the year 1824 he entered the preparatory department of Transylvania University, Kentucky, where he continued his studies until 1829. It was during the latter part of his stay here that the greatest tragedy of his life occurred; an event which was

¹Paper read before the La. Hist. Society, Tuesday June 26, 1923.

²The writer wishes to thank Mr. Gaspar Cusachs, without whose help the article would not have been possible.—G. W. N.

to color his future outlook. This was the death of his mother. His soul plumbed the deepest chasm of despair, and he realized for the first time the utter "hopelessness of hope."

Shortly after his return to New Orleans in 1829, he embarked for France, thinking that the change of scene would bring relief to his saddened soul. He was also anxious to perfect himself in his mother tongue, which had been greatly neglected at college.

In the course of four years, his quest for learning led him to the Collège Royale at Paris, later to a university at Nantes, and finally to Rennes, where he received his baccalaureate.

In the latter place, one of the strongholds of Catholicism in France, young Rouquette was profoundly stirred by the deep-rooted religious faith of the inhabitants, and the lessons of piety acquired there were never effaced from his mind.

Longing for the place that had once been home, Adrien Rouquette returned to his native city. In the loneliness of the woods, in the stillness of Southern nights, he thought that happiness might be his, for already was the cult of solitude being formed.

But, alas, an orphan among people who failed to understand his sensitive nature; living in a city where worldliness and luxury were fast replacing the erstwhile simplicity of life and manners, he found himself sadly out of place.

As he himself so aptly expressed these sentiments:

"Every great thought engenders a great martyrdom,

And the fate of genius is to suffer keenly.

The world takes up arms against it and wages an eternal warfare,

The ignorant, the envious, and the vulgar rich."

Again did Adrien Rouquette bid farewell to New Orleans, this time with the intention of studying law in Paris. However, he soon found that the intricacies of jurisprudence had no charm for his impulsive, romantic nature, and for a time led the frivolous life of the Parisian youth, courting one pleasure then another, but withal finding no lasting happiness.

This was a period of intense depression and doubt for him, and like many of his famous contemporaries, he suffered from what Alfred de Musset so aptly termed, "le mal du siècle."

However, the latter malady was not of long duration, for in the year 1837, turning with disgust from his former pastimes,

he attended a series of sermons by the eloquent Jesuit, Father de Ravigan, with the result that the religious side of his nature once more gained an ascendancy. This great faith in God was to remain with Adrien Rouquette throughout his entire life, and was to exert a powerful influence upon his future writing.

During this epoch the voice of the poet was striving for expression, a poem dated 1833 appears to be one of his earliest, but it was not until several years later that he burst into song. In 1841 the public of Paris was given the first opportunity to judge the talent of Adrien Rouquette, for in that year was published a thin volume of poems, "Les Savannes."

The subject matter can best be appreciated by quoting the poet himself: "It is not the love of glory, the dream of immortality which inspires my muse to song; but rather, love of God, love of nature, of family and country. My muse has sung as the mocking-bird warbles; her voice has been but another voice in the universal concert."

Again, in his preface to "les Savannes," he says:

"The muse who inspired the poems now given to the public is sister to the one who suggested 'Les Meschacebéennes,' the masterpiece of his brother Dominique Rouquette, also a poet of note.

"My muse has dreamed on the shores of the same lake, slept under the same pine trees, strolled in the same prairies. Fickle traveler as well, she crossed the Atlantic five times. In exile she regretted the wilderness, the family, the free life of the nomad tribes. In the bosom of the family, under the tree in the wilderness, she wept for and praised the capital of the world, the great city, the only city, Paris!"

Judging from the chroniclers of the day, the praise accorded these poems by the reigning literary masters was of the highest order. Saint-Beuve wrote to young Rouquette: "I have taken pleasure in breathing in your 'Savannes' varied perfumes exhaling youth and beauty." Auguste Brizeux, "the sweet voiced singer of Brittany," who greatly influenced the writings of Adrien Rouquette, said: "You are the bard of Louisiana, but France must claim for you a place among her poets."

Add to these the favorable comment of Thomas Moore, Auguste Barthélemy, Lamartine and Chateaubriand, and all doubt as to the excellence of Adrien Rouquette's poetic works must instantly vanish.

Unlike many of the romantic poets of the early nineteenth century, woman played a minor part in his scheme of existence.

Among the sixty or more poems which are included in "*Les Savannes*," only once is mention made of the "eternal feminine."

In a poem written in 1840, at the time of his departure for France, sick and desolate, and to all appearances the outcome of some unfortunate love affair, he says:

"When a sublime love, the sacred passion,
Has taken possession of the soul,
Ah, what matters to the poet, to the Christian who meditates,
The eager longing of the flesh?"

Even in this thought there is a complete detachment from things material. To the sensitive and noble nature of Adrien Rouquette, love was devoid of all but a spiritual significance.

However, in this age of materialism, when the finer ideals of life are set aside for less ennobling standards, the biography of Adrien Rouquette may seem to many that of some pious anchorite, and the question will be asked, where is the poet?

Let him who would find an answer read the "*Savannes*," and judge for himself whether the religious faith shining forth from each page dulls the voice of the poet.

Let him ponder for a moment over the following, and decide whether Adrien Rouquette's conception of the poet's mission does not coincide with that held by the elect of the world's bards.

"Poetry must speak to man of God, of heaven to earth. Its cult is the cult of all that is true, all that is beautiful, all that which snatches man from materialism, spiritualizes him and elevates him to the loftiest thoughts; to the most sacred hope of a new life, for which this life is but a diligent and painful preparation."

Are not the same sentiments to be found in the writings of poets as widely separated by time as Chaucer, Milton, and Kipling in England; Villon, Hugo, and Francois Coppée in France; Longfellow, Whittier, and Joyce Kilmer in the United States?

And, are any of those chosen spirits lesser artists when they express firm religious convictions?

Why, it will then be asked, if Adrien Rouquette possessed a touch of greatness, has he been so seldom mentioned in the annals of American poetry, and why has he been all but forgotten in his native state?

The answer to the first question is simple: Though his pages are aglow with love for his native country and praise for many of its institutions, his thoughts found expression in a language ignored by the majority of his fellow countrymen.

In response to the second, it must be borne in mind that, a vein of religious mysticism running through his poems, they could appeal only to a limited audience, whose members have in the greater part passed away, leaving no heirs to their sentiments. . . .

The period from the publication of "Les Savannes" to the year 1844 was characterized by prose and poetry of an intensely theological nature, culminating in Adrien Rouquette's entry to the Catholic Seminary at Plattenville, Louisiana, and subsequent ordination to the priesthood in 1845.

From the latter year until 1859, Abbé Rouquette, as he shall now be called, remained at the St. Louis Cathedral, attracting tremendous crowds by the eloquence of his sermons, and gaining for himself the title of, "the new Lacordaire."

However, in the spring of that year, feeling that his real mission was to minister to the spiritual wants of the Indians, he obtained permission from his superior, and straightway left for the Choctaw settlement near Mandeville on Lake Pontchartrain.

At last he was to realize his long-cherished hope, finding in the solitude of the forests that kinship with the Almighty which he had been unable to meet with in the world of men.

Here, like some hermit of olden days, he spent his time in prayer and meditation, contemplating the wonders of nature, keeping his ear attuned to the whispering of the trees.

As he says in one of his poems: "The whole of creation has a mystic sense, and breathes a divine language which we call poetry." In a tiny cabin built in the midst of a pine thicket, "the forest primeval" of Abbé Rouquette, was he wont to say mass, administer the sacraments, and otherwise offer the consolation of religion to the primitive children of the forest.

The rustling of the autumn wind through the leaves, the warbling of the mocking-bird, the murmuring of the waves near the lake shore, blended into one grand harmony whose every note seemed to utter praise for the Creator.

And well might Abbé Rouquette have said of his sylvan existence:

"And this our life, exempt from public haunt,
Finds tongues in trees, books in the running brooks,
Sermons in stone, and good in everything."

Shortly after his sixtieth year, Abbé Rouquette published "*La Nouvelle Atala*," an Indian legend in prose. He had been a frequent contributor to the local newspapers, thus his facility for writing other than poetry.

Though he had severely criticized the author of "*Atala*," saying, "Your prose has painted nothing, it has transformed everything," the fact remains that Chateaubriand had a marked influence upon the Louisiana poet. His book gives the same idealistic picture of primitive life as his French contemporary. The language throughout is picturesque and highly poetic. He says of *Atala* in her woodland home: "Her senses were ravished in the presence of the flowers, those tinted stars of earth, and by the stars, those luminous flowers of the heavens."

The plot, if such it may be called, is extremely slight, the entire charm of the work depending upon the beautiful descriptions and exquisitely wrought passages.

Atala is a feminine counterpart of the poet himself; a child of nature, as happy in solitude as she had been miserable in the midst of civilization. She has profound contempt for the things of this world, and glories in contemplating the master works of the Creator.

It has often been said that "a passion for loneliness" pervades the work of Adrien Rouquette. In no other work of his is this trait more clearly defined than in "*La Nouvelle Atala*."

This volume marked what was perhaps the last literary production of Abbé Rouquette, and from henceforth his entire efforts were expended upon converting the Choctaws to Christianity.

In this role of missionary, living mostly on herbs, and suffering countless hardships, the Abbé might often be seen wandering through the woods on some errand of mercy. With flowing white beard and austere countenance, he seemed like one of the learned mystics of the early Christian era who fled to the deserts to escape from the temptations of the world.

He continued to guide his bronzed flock, having learned their language shortly after coming to live in their midst, until the year 1886, when his hitherto robust health began to fail.

No more did the children of the forest gather in the three little chapels, where, on different days, the pious man spoke to them of the life to come. No more was the gentle hand of the priest to minister to them in sickness and console them at the moment of death. Chahta-Ima, meaning, like a Choctaw, for it was thus the Indians called the Abbé, was gradually becoming weaker. . . .

He was removed to the Hotel Dieu, in New Orleans, and through every effort was made to relieve his sufferings, it was all in vain, for the Grim Reaper was hovering near.

On the fifteenth of July, 1887, the venerable man was called to the Master he had so faithfully served. . . .

The hour for the funeral neared, and as the mournful procession filed through the streets, it was followed by a motly gathering of Choctaw Indians.

At the entrance to the old St. Louis Cemetery the cortege paused, and within these sombre walls, the grief-stricken children of the forest laid to rest their beloved "Chahta-Ima."



HISTORY OF THE CABILDO OF MEXICO CITY 1524-1534

By Lois K. Dyer*

PREFACE.

The early development of municipal government in Mexico City is a subject which is attractive to students of Spanish colonial history because an investigation of local administration in a particular municipality makes possible a more comprehensive understanding, than would otherwise be attainable, of the attitude which Spain adopted toward her colonies in the New World. Furthermore, the very complexity of the municipal organization which Spain introduced into her colonies across the water cannot fail to be of interest to those who desire to understand the technicalities of administrative systems which have played their part in the history of nations.

The purpose in writing this monograph has been to set forth, in some detail, the history of the *cabildo* or municipal council of Mexico City during ten years of the existence of that municipality under the domination of Spanish authority. The period chosen is the decade which elapsed between the years 1524 and 1534, for the first of the available records of the *cabildo* under discussion is dated March 8, 1524. The greater part of the information which is offered in the following pages has been obtained from these records which have been preserved for posterity in the form of *Libros de cabildo* or books of the *cabildo*. The acts recorded are those which took place between the dates of March 8, 1524, to December 22, 1617, and January 1, 1883, to June 28, 1898.

In order to afford a better appreciation of the specific government of Mexico City, it has seemed wise to include an introductory chapter which offers an historical background for municipal government in Hispanic America, in that it traces the trend of municipal government in Spain previous to the founding of Mexico City by the Spaniards. This rather general delineation has been followed by a somewhat comprehensive description

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of the supervision which central authority maintained over the municipal administration of New Spain, together with an analysis of the processes through which local government in New Spain was effected, and the relations which existed between the *cabildo* and the inhabitants of the municipality.

The writer wishes to thank Dr. Herbert Ingram Priestley of the University of California, to whom is owed the suggestion of this subject, for his interest, kindly assistance, and constructive criticism without which the completion of the monograph would have been impossible.

LOIS KATHARINE DYER.

University of California,
June, 1922.

CHAPTER I.

The Historical Background of the Spanish Municipal Cabildo Previous to Its Introduction into Mexico City.

Before giving an account of the history of the Spanish municipal *cabildo*, as it appeared in its role of a working institution in the government of Mexico City, it is necessary to trace briefly the trend of its historical development. Such a delineation will embrace the origin, the ascendancy, and the decline of Spanish municipal government previous to the administrative organization of Mexico City.

The *cabildo* or municipal council of Spain and of Hispanic America had the foundation for its growth laid about the dawn of the Middle Ages. The seeds of its development were sown in the plebeian town which appeared in Christian Spain as an expression of plebeian forces that attained recognition during the early part of the reconquest of Spanish territory from the Moors.¹

The Moslem invasion broke down the social and political organization of Spain, and a regime characterized by conquest and force was substituted for that of normal times. The monarchs found it expedient to rely upon the towns to fight for them, and to defend conquered territory.² The reconquest made necessary a wide and extensive system of colonization and, consequently, the kings founded new cities, towns, and villages, and rehabili-

¹R. Altamira y Creva, *Historia de España y de la civilización española*, I., 315.

²M. Colmelro, *De la constitución y del gobierno de los reinos de León y Castilla*, II, 144.

tated the ancient municipalities that had been abandoned or destroyed as a result of the perpetual devastations of the Moors.⁵ Life on the frontier entailed great dangers because of the lack of adequate protection from the enemy, and it followed that the sovereigns saw fit to hold out special inducements to those subjects who would establish themselves in frontier towns. These inducements took the form of town charters or *fueros* that embodied special privileges, liberties, and exemptions for the citizens (*vecinos*) of the municipal units to which the charters were granted. The purpose of the charters was not only to provide a system of local administration, but also to furnish the municipalities with protection against the aggressions of the clergy and nobility, and "even against the excesses of the crown itself."⁶ Historians differ as to the exact date of the granting of the first *fueros*. Altamira states very definitely that the tenth century witnessed the appearance of a new organism, expressed by plebeian forces, which came to constitute a social and political element of importance.⁷

Danvila y Collado places the origin of the plebeian town at a much earlier date. He claims that the first *fuero* was granted in 815 by Ludovico Pío to the city of Brañoseira, and that in 844 similar privileges were given to Barcelona by Carlos Calvo. He says that although these unions of citizens were poorly defined, nevertheless, they were a spontaneous creation of the reconquest and, in part, answered the need of consolidation of dominion.⁸ Colmeiro places the initial years of the modern municipal government of Spain in the ninth and tenth centuries.⁹

A double system of obligations came into being by virtue of the pacts that were formed between the monarchs and the people. On the one hand, the citizens owed allegiance to their king. They were required to observe the laws of their kingdom, to comply with the rules and regulations of their *fuero*, and to aid their sovereign with military and financial support. On the other hand, the monarch could, under no consideration, violate the con-

⁵Danvila y Collado, *El poder civil en España*, I, 100.

⁶Colmeiro, *De la constitución y del gobierno de León y Castilla*, II, 144-145; Lucas Alaman, *Disertaciones sobre la historia de la república mexicana desde la época de la conquista*, III, 10.

⁷Altamira, *Historia de España*, I, 315.

⁸Danvila y Collado, *El poder civil en España*, I, 169.

⁹Colmeiro, *De la constitución y del gobierno de León y Castilla*, II, 144.

ditions of the pact.⁹ It was customary to extend the *fuero* of one city to other cities. For instance, the charter that was granted to the city of León became a type of local government upon the basis of which the government of many municipalities was organized. It was said that such cities possessed the *fuero* of León. The same applied to the *fuero* of Cuenca.¹⁰

The *fueros* of the Spanish kings were representative, in large degree, of similar charters that had been conferred by Rome upon her municipal entities. Rome bequeathed her municipal system to the administrative organization of the western European nations and, although innovations were added, the ancient Roman charter may be said to have formed the nucleus of the Spanish *fueros*. In its larger sense, the word *fuero* signifies "a decree, a law, or a code granted by a sovereign," but used specifically, in reference to local government, it designates the "documents granted by a lord or king to a municipality, securing to it certain rights and privileges conformable to the constitution." Roman local government was based upon an elective system of self-government, as was the government of the modern Spanish towns. However, the latter was more democratic in nature because it was founded upon "representative authority," while the government of the Roman towns depended upon "the personal right of a superior magistrate."¹¹

The *fueros* which were bestowed upon the *villas* of Spain carried with them political, administrative, and economic privileges. They signified political and economic freedom in the sense that they gave every citizen the right to participate in the local self-government of his *villa*, and they offered advantage in the economic field inasmuch as they extended to *vecinos* exemptions from many petty taxes. It was upon the shoulders of the plebeians that the burden of taxation fell most heavily. Theirs was the duty of financially supporting the crown, for the pecuniary obligations of the nobles and ecclesiastics were very slight indeed. An enumeration of a few of the taxes that prevailed will give some insight into the complication of the economic system of the time, and will show why the immunity from taxation, afforded by the *fueros*, was considered a privilege of importance.

⁹F. Martínez Marina, *Ensayo sobre la legislación de los reinos de León y Castilla*, I, 174.

¹⁰Alamán, *Disertaciones históricas*, III, 10-11.

¹¹F. W. Blackmar, *Spanish Institutions of the Southwest*, 27-30.

Taxes fell into three distinct groups. First, there were contributions or tributes which were great in quantity and extensive in application; second, there were taxes which took the form of commutations of services owed to the crown; and third, there existed a group of fines or compensations. Under the first class were included: (1) the *goyosa* or tribute paid by parents when a child was born; (2) the *luctuosa* or *nuncio*, which consisted in sending to the king the best head of cattle, or some other possession of value, that had belonged to a subject recently deceased; (3) the *movicio*, which was paid upon the change of domicile; (4) the *yantar* or quantity of provisions given by a municipality to the king and his retinue whenever he condescended to visit it; (5) the *conducho*, *cojecha*, or *colleita*, which was analogous to the *yantar*, but which was more extensive in that it comprised habitation, light, clothes, and forage; (6) the *censo* or poll-tax, paid by all freeman and their descendants; (7) the *petitum*, a peculiar tax imposed upon the people by the king when a prince, or another of similar position, was born or married; from the beginning of the thirteenth century it was paid annually and was called the *moneda*, its name being derived from the coin with which it was paid; (8) the *servicios*, which were tributes or donations that the *Cortes* or the towns granted to the kings; (9) the *mañería*, by virtue of which was transferred to the king the possessions of those who died without succession within a certain order of lineage; (10) the *enlizia* or tenth part of the selling price of houses and family goods; (11) the *montático* and *herbático*, which were the fees paid for the use of the woods and pasture lands of the mountains or for the grass of the public meadows; (12) the *diezmas de mar* or custom-house duties paid at the principal ports of entrance and egress; (13) the *portazgo*, a fee paid for the right of loading and unloading a vessel; (14) the *pontático* or *pontadgo*, which was a transportation duty exacted for the use of public roads and bridges.

The second class embraced: (1) the *fonsado* or *fonsadera*, an indemnification paid to the king by those who were excused from personally assisting in battle; (2) the *pectum* or *pecho*, a tax which was introduced into Spain sometime during the eleventh century, and which consisted of four *sueldos* paid by each *vecino* under the royal patrimony when the king was preparing for war.¹¹

¹¹A *sueldo* was equal to half a *real* of silver.

One of the most common fines or compensations in the third group mentioned above was the calona or caloña. When a crime was committed and its instigator could not be found, all of the inhabitants of the district in which the crime was committed were considered responsible as a whole, and a fine was exacted from them.

It was the natural consequence that the kings should seize upon the idea of exemption from economic burdens as a means of encouraging urban settlement. Many of the tributes mentioned were dispensed with or reduced. Very frequently it happened that a single tax, payable in money or in kind, was substituted for the entire group of taxes considered collectively. It was worthy of note that the *fonsado*, or compensation paid by those who did not participate in active military service, was never abolished. The same applied to the *yantares*, which were always owed to the king by the municipality which he visited.¹²

The governing unit of the municipality was termed the *concejo*, a name derived from the Latin word *concilium* which included under its terminology any council (junta) or assembly that met to deliberate upon the affairs of government.¹³ When modern Spanish municipal government was in its infancy, the *concejo* embraced the sum total of the citizens of a town or city who met together as a whole to regulate the business of administration, to determine the policy of government, and to fix weights and measures.¹⁴ Gradually, the scope of municipal powers broadened and the cities grew in size. The normal result was that powers were delegated to officials elected by the people. "Such," as Colmeiro says, "is the history of all republics. While they are small they are ruled by the citizens, but when they grow in size their government is committed to popular magistrates elected by the people."¹⁵

The personnel of the various municipalities varied rather widely in complexity. Many of the *concejos* insisted not only upon selecting all of their officials from the plebeian class, but they even refused to confer the degree of citizenship upon any member of the noble class. No nobleman could build for himself a fort or a palace within the city limits. On the other hand, there

¹²Altamira, *Historia de España*, I., 316-317 and 437-439; Danvila y Collado, *El poder civil en España*, I., 169.

¹³Colmeiro, *De la constitución y del gobierno de León y Castilla*, II., 141.

¹⁴Altamira, *Historia de España*, I., 435.

¹⁵Colmeiro, *De la constitución y del gobierno de León y Castilla*, II., 145.

were *concejos* in which the nobles received representation, the offices being equally divided between the nobility and the bourgeoisie. In some cities the king maintained his representatives which were called *domini*, *dominantes*, or *merinos*. These central delegates communicated with the king by means of letters or messengers, thus making it possible for the king to participate in acts that might have direct bearing upon the central power. In spite of these relations with the crown, the municipalities reflected the local spirit of their time, and the weakness of the central government. They worked with practical independence. This spirit of extreme independence was manifested in the special legislation of the *concejo*. As has been said before, the document in which were written the powers and privileges of the town or city was ordinarily the *fuero*. In some instances the kings permitted the *fueros* to be broadened or reformed and, from time to time, the municipalities obtained the permit to form rules and regulations for their internal management. The city of Salamanca affords an illustration of this practice. A series of ordinances, made by the *concejo* and authorized by the king, comprised her so called *fuero*. Very often the *concejos* amplified their charters either unknown to the king or by fraud. Those cities which were furthest separated from the watchful eye of the central power attained the greatest degree of independent life. This condition was admitted and recognized by the kings. Such municipal units waged war with foreign monarchs and made treaties of peace after the manner of sovereign powers.¹⁶

When the needs of the *villas* grew in number and their population expanded, government for the people by all of the people ceased to suffice, and the word *ayuntamiento* was born. The *ayuntamiento*, when it first originated, included the popular magistrates who represented the *vecinos*, and to whom were delegated the powers of municipal government.¹⁷ The term *cabildo* is synonymous with that of *ayuntamiento*. Both came to signify a town corporation.¹⁸

¹⁶Altamira, *Historia de España*, I., 435-437.

¹⁷Danvila y Collado, *El poder civil en España*, I., 170.

¹⁸Altamira says that we find mention of the name *cabildo* when Alfonso X. (1252-1284) conceded to the inhabitants of Murcia the right to name municipal officers who should form a *cabildo* or *ayuntamiento* (Altamira, *Historia de España*, II., 60).

Ordinarily, this governing body of the city counted among its officers a certain number of *alcaldes*, municipal judges who were intrusted with civil and criminal jurisdiction; in connection with justice the *jurados* or public defenders may also be mentioned, for they had the duty of defending the people against any infringements of rights undertaken by the ministers of justice. The number of *jurados* was usually one or two representatives elected by the citizens at large. The *regidores* corresponded to the municipal officials whom we term, in present day political parlance, town councilmen. Other functionaries were the *alguacil mayor*, or marshal, who was the commander of the municipal militia; the *alférez*, in whose custody was the town banner; the *alamines* or *almotacenes*, and the *alarifes*, who were inspectors of weights and measures and of public buildings respectively. To them was applied the general name of *fieles* because they were the executors of the municipal ordinances and provisions made by the magistrates. The *veladores* were the night watchmen.²⁰ The ancient custom was that the people should elect the foregoing officers annually. Thus, the government was renovated each year, and the time limitation prevented municipal affairs from being vested in the control of a few. As a result of such wise laws, the prosperity of the municipalities increased by leaps and bounds until the very privileges which they enjoyed became abuses, and municipal prosperity degenerated into municipal decadence.²¹

Justice was regarded as residing fundamentally in the king. In 1020, at the council of León, Alfonso V. confirmed this principle when he ordered that judges named by the crown should be maintained in all cities of the realm. The reality was, however, that civil jurisdiction was intrusted to the local judges (*alcaldes*) of the municipalities, while in many towns criminal jurisdiction was in the hands of the king's justices who were called *merinos* or *adelantados*.²² Justice was administered in conformity with the *fueros* of the respective towns, and was supposed to be based upon the principle of equity and good reason.²³ The king had the

²⁰Colmeiro, *De la constitución y del gobierno de León y Castilla*, II, 165-166; Altamira, *Historia de España*, I, 435-436; cf. H. I. Priestley, *Spanish Colonial Municipalities*, 400, 402.

²¹Colmeiro, *De la constitución y del gobierno de León y Castilla*, II, 166.

²²Altamira, *Historia de España*, I, 442-443.

²³Alamán, *Disertaciones históricas*, III, 18.

right to punish local judges if he saw fit. Appeals were made to the crown. Serious crimes, such as murder and robbery, were tried in first instance by the king.²²

Representation in governmental affairs was afforded by the *Cortes* to the entire realm of the Spanish kings. The greatest prosperity of the *concejos* was marked when they obtained the right to send delegates to this central representative body.²³ The expenses which the frequent wars occasioned placed the sovereigns in great need of resources and, according to the provisions stipulated in the *fueros*, the towns were obliged to furnish these resources. Consequently, in recompense for these extraordinary services, the municipalities were authorized to assist at the *Cortes* by means of persons whom they might elect, and thus it was that the *procuradores* of the cities gained seats in the *Cortes* of the kingdom. The first instance in which the town delegates of Castile sat in the *Cortes* of the State took place in 1188, when Alonzo VIII. convoked the *Cortes* of León. It is worthy of our interest to note that this practice was introduced into the government of Castile many years before it appeared as a working factor in the government of England, France, or Germany.²⁴ The number of *procuradores* which each city was allowed to send varied, from time to time, until Juan II. fixed it at two. This law was not always observed with exactitude. The same law forbade peasants to be deputies. In 1351 *procuradores* were granted parliamentary immunity. They could not be arrested nor prosecuted while the *Cortes* was in session. However, a later law made possible accusation for particular offenses.²⁵

Thus, it came to pass that the *Cortes* represented primarily the municipalities. The right to participate in the highest branches of government caused the municipalities to feel strong and powerful. They were imbued with their own importance. Danvila y Collado admirably sums up their claims and pretensions. The *procuradores* "demanded the confirmation of their ancient privileges, and the concession of new rights and liberties; they petitioned for laws and concurred to form them; they granted subsidies; they disputed expenses; they even discussed the rights of the king himself, and bit by bit intervened in all im-

²²Altamira, *Historia de España*, I., 443.

²³Danvila y Collado, *El poder civil en España*, I., 171.

²⁴Alamán, *Disertaciones históricas*, III., 11-12.

²⁵Altamira, *Historia de España*, II., 74.

portant business of the State." The popular branch realized complete emancipation when it equalled in position the nobility and the clergy. Then it could be truly said that political liberty was founded upon the basis of privileged municipalities." The *procuradores* took advantage of the opportunity offered them to communicate directly with the monarch. They exposed to the public eye the excesses that were being committed and the disorders that were prevalent, and urged that remedies be provided. Nevertheless, the function of the *Cortes* was chiefly economic, not legislative. The kings needed money, and needed it badly. It was in the sole power of the *Cortes* to grant that money, but, before its members would concede subsidies, they demanded that the investment of those already granted be accounted for. In this manner the current abuses of the administration were brought to light.²⁷

Each *ayuntamiento* gave instructions to its representatives. They were expected to further the interests of their respective municipalities by obtaining the approval of the Crown to petitions submitted in the *Cortes*. By way of illustration, in the *Cortes of Valladolid*, 1351, the *procuradores* petitioned that the powers of the royal officers be definitely determined; that measures be taken to repress outlaws; that abuses of tax collectors be corrected and certain taxes reduced; that an attempt be made to establish harmony between the cattle owners and the farmers; and that judicial procedure be reformed. The royal assent was granted. In the *Cortes of Burgos*, 1366, the town representatives sought the conservation and recognition of local *fueros* and privileges. They asked that the usury of the Jews be reduced, and that *hermandades* or leagues for mutual protection be authorized. In large part, the king consented to these measures.²⁸

Danvila y Collado sums up the history of the *Cortes* when he says that it, "like every human institution, had its epoch of grandeur and of decadence, such as had the elements that formed it, in particular the popular element that followed all of the vicissitudes of the *concejos*."²⁹

Among the institutions that dominated the internal life of the city, the municipal treasury (*hacienda*) maintained an im-

²⁷Danvila y Collado, *El poder civil en España*, I., 171.

²⁸Alamán, *Disertaciones históricas*, III., 11-13.

²⁹Altamira, *Historia de España*, II., 71-74.

³⁰Danvila y Collado, *El poder civil en España*, I., 157.

portant place. Each municipality had a treasury to satisfy its own individual needs. The funds were repleted from tributes and fines paid by the citizens, and were safeguarded in the *caja* or strong box of the *concejo*. In addition to this pecuniary support, each citizen was obliged to render personal services of labor which took the form of cultivation of municipal fields and construction work upon town roads and walls. The lands, which the *vecinos* were required to farm were of two classes. The first class, called *proprios*, consisted of lands cultivated by all of the citizens. The resulting products were entered into the municipal coffers where they were reserved for later utilization in the interest of common good. They were spent for such things as roads, bridges, walls, and castles. The second class was comprised of lands whose products were in reality the property of the citizens. Some of the latter lands were divided into lots or sections which were distributed among the *vecinos*, while others remained undivided. These *comunales* included pasture grounds, woods, and farm lands; and the citizens took advantage of the pasture, the fire wood, and the building material according to certain rules that were laid down. The town could sell neither its *proprios* nor its *comunales*, but it could rent the *proprios* instead of cultivating them directly and as a whole. The citizens were very zealous in the intact preservation of these lands because they constituted the foundation of municipal well being.²¹

It is self-evident that the city possessed the characteristics of a legitimate personality in that it was privileged to be a landlord or landowner. It acquired lands, forests, and waters, and provided for the defense of them. In support of such defense it built castles and forts, and placed governors in control of them.²²

The municipalities were dependent upon themselves for protection. In time of trouble they could expect no assistance from their king, for he was preoccupied in defending his personal interests. Out of the need for local defense grew the municipal militia composed of the footsoldiers and cavalry of a town or city. It served to repel foreign invasion and to execute within the municipal limits the orders of legitimate authority. Its adherents were always zealous to fight for the weal of king and country. These militias of the people received great impetus when, in

²¹Altamira, *Historia de España*, I., 439-440.

²²Danvilla y Collado, *El poder civil en España*, I., 171.

1118, Alonzo VII. conferred upon the citizens of Toledo the right of advancing to the status of gentleman any laborer who should provide himself with arms and a horse, and join the militia. The popular organ of municipal defense was rapidly transformed from undisciplined hosts into trained squadrons that furnished the Spanish monarchs with splendid service."

The municipalities had to conserve their political liberty and their privileges in the face of danger from the encroachments of nobles and of foreign monarchs. The *vecinos* of the cities realized that it was impossible for a comparatively small and isolated local unit to afford itself with adequate protection during times of stress. Since the beginning of human endeavor it has been the custom for one man to seek the aid of his fellowmen when his life and property have been threatened. This is precisely what the *concejos* did. They formed offensive and defensive alliances with one another, and placed their salvation in the fortune of arms. These leagues were called *hermandades*, a term which connotes brotherhoods or confraternities.

During the Middle Ages it was the general practice to form alliances for mutual protection when that protection could not be had from a superior force. Confederations of ecclesiastics increased the number of religious institutions; confederations of craftsmen produced the *guild* (*gremios*); confederations of warriors gave rise to the military orders. Even the *Cortes* may be classified as a "regular and permanent confederation of the cities, towns, and villages of the kingdom." Colmeiro outlines the purposes for which the *hermandades* existed. "The *hermandades* were not political institutions at heart, but rather leagues or confederations formed with the idea of protecting the lives and the property of the citizens in times of licentiousness and tyranny." He goes on to say, "There were periods of such looseness of custom that bandits frequented the roads, devastated the fields, and assaulted the villages, robbing and killing the unfortunate inhabitants without fear of God or of justice." The outlaws descended from their unassailable castles to wage their unlawful activities. The merest trifles, such as personal quarrels, jealousies, and rivalries with the *vecinos* served as pretexts for assault. Weak towns lived in a perpetual state of terror, while the more powerful ones took revenge with their own hands.

²²Danvila y Collado, *El poder civil en España*, I., 171.

Now and then two or more *villas* formed offensive and defensive alliances, and in this manner the first *hermandades* of the municipalities originated. Frontier towns furnished examples that stimulated the growth of the institution, for from very early times there had existed, upon the basis of mutual protection, the *hermandades* of Alava and Guipuzcoa, the confraternities of Navarre, and the Aragonese Union.²⁴

The beginning of the twelfth century witnessed the rise of the *hermandades* of Castile. Dona Urraca, ruler of Toledo, Castile, and León, had married Alfonso I. of Aragon. Disputes arose over sovereignty. The nobles placed their armies at the service of the queen, whereupon the king allied with his royal troops the popular forces. Vassals rebelled against their overlords and formed an alliance which they called the *hermandad*. Under its auspices they held public assemblies, dictated ordinances, imposed fines and penalties and, in short, administered the law after the manner of a sovereign power. The first period of the *hermandad* presents the institution at its birth, and gives insight into the condition of anarchy that prevailed throughout the country.²⁵

During the final years of the twelfth century and the initial years of the thirteenth century, more orderly *hermandades* began to appear. They partook of the nature of a legislature which dictated ordinances and forced their observance. They had executive power by means of which they prescribed regulations for public order in behalf of the defence of life and property. They exercised judicial authority in that they conducted lawsuits, enacted sentences and executed them. These *hermandades* were not necessarily authorized by the king, but were convened by the people for the purpose of pursuing wrong doers.²⁶

Ferdinand III. became convinced that the unions of the *concejos* were obtaining more power than was compatible with royal interests. He attempted to intercept their rapidly increasing influence, and, to some extent, succeeded.²⁷ However, the situation of the king, as opposed to the prestige of the feudal barons, was so precarious that each sovereign, in his turn, was faced with the necessity of having to rely upon the plebeian element for support. There was not a monarch who did not further the

²⁴Colmeiro, *De la constitución y del gobierno de León y Castilla*, II., 184-186.

²⁵Colmeiro, *De la constitución y del gobierno de León y Castilla*, II., 186.

²⁶*Ibid.*, II., 187.

²⁷*Ibid.*, II., 187.

growth of the *hermandades*. Sancho the Brave gave them new concessions; Dona María de Molina favored them; and Juan I. sought their advice in affairs of State." The *hermandad* represented the united force of Castilian towns."

Before proceeding to the unhappy story of Spanish municipal decadence, it may be said, in summary of what has gone before, that the independence which the *concejos* acquired politically resulted in unusual social importance for the middle class. The nucleus around which the forces of the middle class expanded was the third estate. The influence of the third estate sprang from the municipal regime. Its law was comprised in the *fuero* which enabled it to sustain itself in the face of opposition and transgression. It was royalist in sentiment, favoring the doctrine of unitary monarchy as opposed to that of virtual anarchy which was advocated by the nobles and clergy. Its first interest was to preserve intact the individuality of the local units. It had in its hands the sources of production. In it resided the vigor of the State."

Although the rise and expansion of independent municipal government worked excellent effects upon the political and social evolution of the Spanish people, nevertheless, it was not without its defects. It was unsound in its foundation, and nothing can be permanent or durable when the basis of its origin is insecure. Isolated municipal units were at variance with unity. Each village and community formed an independent republic "with different laws, opposed interests, and distinct customs." Enmities grew up between villages, which resulted disastrously for centralization. Furthermore, the municipal regime created envy between the members of different social planes." The usual distinctions were present in the social hierarchy. The citizens of a town were considered as being equal only in so far as they were all free, and all participants of the same statute law. Differences were zealously guarded between superiors and inferiors (*mayores y menores*), ancient noblemen and rustics (*infanzones y villanos*), dignitaries and untitled citizens."

The direct democracy of the popular assembly, and that equality before the law which was enjoyed by all citizens consti-

²²Danvila y Collado, *El poder civil en España*, I., 172.

²³Priestley, *Spanish Colonial Municipalities*, 398.

²⁴Altamira, *Historia de España*, II., 14-15.

²⁵Marina, *Ensayo sobre la legislación de los reinos de León y Castilla*, I., 300.

²⁶Altamira, *Historia de España*, I., 318.

tuted the fundamentals of the bigness of municipal life. These two basic principles were radically modified during the course of the fourteenth century. The slow usurpation by the crown of the powers of elected town officials signalized the change and, in addition, the families of a few leading nobles, resident in the towns, gained control over the majority of municipal offices.⁴ The very importance of the *concejos* caused the nobles to aspire for municipal control in order that they might bring before the attention of the king their own selfish desires and aspirations. The kings could not passively tolerate the growing power of the nobles, for one of the prime motives that had instigated the granting of municipal charters had been to form a barrier against that very power. The crown solved the difficulty by naming royal officers for local positions. "The *concejos* were converted into humble servants of the monarchy," and independent local life was plunged into an epoch of rapid decadence that soon swallowed up the vestiges of freedom and liberty.⁵

The inherent defects of municipal government, which we have seen to be the natural outgrowth of the unsoundness of its origin and development, were enhanced by the internal abuses of the *concejos*. The public defenders become so insensible to the welfare of the people whom they were obligated to protect, that it was resolved in the Cortes of Zamora, 1432, that all *jurados* should reside within the districts in which they held office. *Regidores* were also required to reside within the territory which they represented, and in order that they would remain in their official residence, they were guaranteed a definite salary. The office offered opportunity for lucrative gain, and corrupt politicians entailed within their power a number of such positions in various cities, thus deliberately violating the residence requirement. New abuses originated such as renouncements, sales, and leases of municipal offices. Law, justice, and authority became a commercial product which could be bought and sold at pleasure. Local offices passed to the patrimony of the rich and powerful, and the people of lower social status remained unprotected. Simultaneously with the decrease of local power came the increase of royal authority. The right of election was transferred from the control of the municipality to that of the king. Many offices

⁴Altamira, *Historia de España*, II, 63.

⁵Danvila y Collado, *El poder civil en España*, I, 172.

that had been elective and limited in time became perpetual hereditary annuities."

The reign of Alfonso XI. (1312-1350) witnessed the rise of perpetual *regidores* appointed by the king. He was also responsible for the office of *corregidor* which was constituted to watch over and inspect local interests and to represent royal authority." The *corregidor* proved to be a powerful and efficacious means of weakening the strength of the *concejos*. At first the kings sent them only where need called for their presence, and they remained no longer than was necessary to remedy grievances. They went out to pacify and to punish trouble-makers. Year after year the cities protested against this imposed supervision, but the office prevailed." The *corregidores* exerted conspicuous influence over the deliberations and resolutions of the *cabildo*. Through constant intervention they diminished the freedom and independence of the workings of popular election." Colmeiro says, "At first sight the *corregidores* were a healthy institution for moderating the power of *concejos* without crushing it; but the maliciousness of the time converted them into a sure means of crushing it instead of moderating it."

During the reign of John II. (1406-1454) and of Henry IV. (1454-1474) the *concejos* continued to decline. John II. dealt a death blow to democratic municipal life when he ordered municipal offices to be put on sale for the purpose of increasing the royal revenue. He furthermore established the provision that hereditary officials should succeed in conciliar offices."

The thought that was ever foremost in the minds of the Catholic Kings was the desire to augment royal authority. They were confirmed in the idea that a strong government should be based upon a feared and respected central power, rather than upon the more superficial foundation of "suspicious *cabildos* and disorderly *ayuntamientos*." They determined to make the municipalities a protection to their authority, rather than a hindrance to centralization of control. They severely punished all semblances of riots; they reduced the number of local offices, and

⁴⁰Danvila y Collado, *El poder civil en España*, I., 550-552.

⁴¹Altamira, *Historia de España*, II., 64.

⁴²Colmeiro, *De la constitución y del gobierno de León y Castilla*, II., 209-211.

⁴³Altamira, *Historia de España*, II., 64.

⁴⁴Colmeiro, *De la constitución y del gobierno de León y Castilla*, II., 224.

⁴⁵Danvila y Collado, *El poder civil en España*, I., 172.

revoked many of the municipal charters; they forbade the renting of conciliar positions, and required the *regidores* to reside for four months within the municipalities wherein they held office. It was provided that no one, who was living with a person who had a vote in the *cabildo* of a town or city, could be elected to a public office in the respective town or city. Neither could the lessees of the royal or conciliar taxes hold an office in the local unit over which they exercised authority. Renuncements of life offices were tolerated, but all renuncements were considered null which were made within the last twenty days of the life of the abdicator. The foregoing resolutions were made in the Cortes of Toledo, 1480. Public offices were given and taken away at the caprice of a superior power. The king flattered the *procuradores* with superficial confidences in order to gain their good will, but their intervention was confined to the narrow limits of convenient advice, and they showed no indication of their former power. The positions of the *Cortes* and of the *concejo* were analogous. Neither had the vitality to resist the exactions of the crown. Both institutions were instruments of local power, and both were founded upon the basis of the superior status of the citizen; together they ran the gauntlet of the declining prestige of the third estate.²¹

The successors of the Catholic Kings took great care to repress the spirit of anarchy that infested the municipalities. The crown had gained sufficient influence in the *concejos* to enable it to intervene in electing the *procuradores* to the *Cortes*. This influence, added to the royal authority exercised through the *corregidores* and perpetual *regidores*, permitted the king to centralize and consolidate the central power. Although it was disastrous in its effect upon the municipal organism, nevertheless, it made possible a greater degree of harmony between the nation and the sovereign.

During the administration of Ferdinand the Catholic it was evident that the forces of consolidated despotism had failed to extinguish completely the instinctive love of the Spaniard for free municipal life. In the short reign of Philip I. the Spaniards expressed an innate aversion against foreign domination, and that aversion grew into disgust and hatred when Charles I. presented himself at the Spanish Court, accompanied by his retinue

²¹Danvila y Collado, *El poder civil en España*, I., 406-410, 555.

of Fleming ministers. Foreigners filled the offices of State, and a rule was inaugurated that was devoid of sympathy for Spanish traditions and ideals.⁵²

Charles I. of Spain, generally known to posterity as the Emperor Charles V., of the House of Austria, concentrated his interests upon imperial affairs. The Spanish nation resented the fact that her resources and interests were sacrificed for enterprises which could culminate in no particular benefit for her people. The various cities of Castile, anxious for the preservation of her *fueros* and privileges, formed confederations which took the name of *comunidades*.⁵³ The prevalent discontent was reflected in the Cortes of Valladolid of 1518.⁵⁴ The *procuradores* refused to swear allegiance to the king, provided he did not first promise to guard the laws, and to respect the immunities, privileges, and welfare of the cities and towns.⁵⁵ The Cortes of Santiago, which ended in that of Coruña, witnessed a decided break between the monarchy and the people. Spain was resentful because Charles left the government in control of a foreigner, Adrian of Utrecht, in order that he himself might depart for Germany to receive the imperial crown.⁵⁶ The Castilians received with displeasure the news of the intended voyage of the emperor. Their very nature rebelled against the rule of the foreign Fleming, and many cities rose up in arms to oppose the departure of Charles, justifying their action upon the basis that his residence in Spain had been too brief.⁵⁷ Sandoval says, in his *Historia de Carlos V.*, that the departure of the emperor produced diverse feelings throughout Spain. Those who had sane and good intentions and quiet spirits, accepted it for the best; those who were seditious claimed that he entertained vain hopes for increasing his estates. The emperor departed from Spain, and the *procuradores* went to the Cortes full of fear for their republics.⁵⁸

The sympathy of the nobility alternated. In the beginning of the conflict it was allied on the side of the *comuneros*, but the end of the unhappy struggle saw it in full accord with the

⁵²Danvila y Collado, *El poder civil en España*, II., 230-231.

⁵³Alamán, *Disertaciones históricas*, III., 43, 46.

⁵⁴Danvila y Collado, *El poder civil en España*, II., 231.

⁵⁵Colmeiro, *De la constitución y del gobierno de León y Castilla*, II., 101.

⁵⁶Danvila y Collado, *El poder civil en España*, II., 231-232.

⁵⁷Colmeiro, *De la constitución y del gobierno de León y Castilla*, II., 103.

⁵⁸Prudencio Sandoval, *Historia de Carlos V.*, I., lib. 5, 220.

cause of monarchy. The combined troops of royalty and nobility gained an easy victory over the *comuneros* on the fields of Villalar, and, says Danvila y Collado, "despotism of monarchy was consolidated at the cost of Castilian charters and liberties." The desire for aggrandizement which dominated the policy of the House of Austria could not tolerate the rehabilitation of the popular forces, and the omnipotent will of the king subjected municipalities to strict supervision and utter dependence. The municipal corporations became merely an expression of royal authority." Colmeiro tells us, in his *Curso de derecho político*, that the *concejos* were deprived of all initiative, and that conciliar offices became the object of a shameful traffic."

It was during this period of municipal debility and decadence that the local government of Spain was transplanted to American soil. The municipal organization, established by the Spaniards in our western hemisphere, did not partake of the well defined democracy that characterized the ancient *fueros* of the Middle Ages. Those *fueros* recognized all citizens as being equal before the law, and they contained provisions whereby justice was guaranteed to every *vecino*. They gave all citizens the right to participate in public affairs in as much as conciliar magistrates were chosen by popular election. They maintained a high degree of official responsibility by exacting double compensation from an officer who in any way injured a citizen. Thus, conciliar offices did not serve as a shield for municipal dignitaries by which they could avoid punishment for wrong doing, but the punishment was doubled when the offender was a magistrate because greater obligation was supposed to be attendant upon his public character."

These precious guarantees were sadly lacking in Spanish-American municipalities. Moreover, there was also absent the militia of the *Santa Hermandad* which had served in the history of early Castilian towns as an invaluable means of securing forceful union between the individual units." When the *hermandad* was introduced into America, it constituted a means of protecting

²⁰Danvila y Collado, *El poder civil en España*, II., 232-233.

²¹Colmeiro, *Derecho político*, 651, cited by Danvila y Collado, *El poder civil España*, II., 233.

²²J. A. García, *La ciudad indiana*, 158-161.

²³García, *La ciudad indiana*, 162.

roads from highwaymen, and was imposed upon local government by central authority."

The Spanish Colonial town was a conspicuous creation that formed a part of a larger and more general plan of action. As a rule, the town was founded by an individual who arbitrarily determined its site and limits. From him the town received its name, the distribution of its lots, and the limits of its jurisdiction. All persons who were destined to become citizens of the municipality were required to sign an act of organization which they bound themselves by oath to support. The founder selected the *alcaldes* and the *regidores* of the first municipal council, but it was provided that all subsequent councils should be composed of representatives elected by the *vecinos*.⁴⁰ In case the capitulation or grant of the conqueror did not specify that he should choose the officers of the first local governing body, the municipality was organized by popular election in which every free member of the expedition participated.⁴¹ The municipal corporation exercised legislative power and, by virtue of its *alcaldes*, participated in judicial and executive power.⁴² The judges or *alcaldes ordinarios* exercised civil jurisdiction within the limits of the territory in which they held office.⁴³ A general law that applied to Spanish-American municipalities as a whole fixed the time of election, the term of office, and the limits of official authority. Members of the *cabildo* were required to be elected on the first of January of every calendar year.⁴⁴ In general, it may be said that Spanish American towns adopted for their municipal administration the framework of the local organization which belonged to their mother country, but they lacked the vitality and virile independence that had characterized the Spanish plebeian town during the period of its maximum importance.

In the present chapter the outstanding features of the historical development of Spanish municipal government have been set forth. The period embraced has included the years elapsing between the origin of the free plebeian town in the Middle Ages, and its final downfall as an element of political importance in the

⁴⁰Priestley, *Spanish Colonial Municipalities*, 308.

⁴¹Bernard Moses, *Spanish Dependencies in South America*, II, 370-371.

⁴²Priestley, *Spanish Colonial Municipalities*, 401.

⁴³Moses, *Spanish Dependencies in South America*, II, 370-371.

⁴⁴Juan de Solórzano y Pereyra, *Política indiana*, II, 253.

⁴⁵Moses, *Spanish Dependencies in South America*, II, 371.

reign of Charles V. The government has been described in the phases of its origin, its ascendancy, and its decadence. By way of conclusion, a brief introduction has been given to the early institution of municipal organization into Hispanic America. It remains the task of the succeeding pages to treat that organization in more detail by taking as a concrete example the characteristics of the *cabildo* of Mexico City as it appeared during the decade of its existence between the years 1524 and 1534.

CHAPTER II.

The Supervision of Central Authority over the Municipal Administration of New Spain.

The municipal administration of Spanish America did not embrace a number of isolated municipalities that pursued their local life in a manner independent of the supervision of central authority. One of the characteristics that forces itself into prominence in Spanish colonial municipal government is the intricate system of control exercised by the crown over municipal organization and procedure. Preliminary to an investigation of the actual working process of the *cabildo* of Mexico City, it is essential to understand something of the centralized system by virtue of which the king guided that *cabildo* in its course of local administration.

The settlement of the western hemisphere constituted what may be called a popular migration. The Europeans who came to America were not ignorant of the forms and technicalities of administrative organization. They were individuals who had lived and worked under the auspices of highly developed governmental institutions. Nevertheless, regardless of the fact that they had experienced contact with the organizations of the Old World, they found themselves confronted in the New World with the necessity of developing a new spirit. Bernard Moses interprets the conditions of the time when he says, "Civilized society sent its representatives to an unpeopled wilderness where their essentially similar conditions tended to develop the spirit of equality and disregard of the conventionalities of a complex social existence."

New organizations were formed in recognition of the truth that the "modifying influences of a new life" demanded new

¹Moses, *The Early Political Organization of Mexico*, 257-258.

adaptations of the ancient forms of government that dominated the administration of Spain. Throughout the early colonial history of Hispanic America the king remained the most conspicuous governing authority, both in the mother country and in the new land. He made possible a personal union between Spanish establishments in America and the kingdom of Spain. However, agents were needed to make more effective the personal rule of the king and, for the purpose of abetting centralization, the Council of the Indies was established.³ The Council of the Indies was organized as a permanent and independent organization in 1524, and to its authority was delegated the supreme judicial and legislative control of Hispanic America. It was superseded in authority only by the king.⁴

The *Recopilación de leyes de los reinos de las Indias* comprises a body of law enacted by the Council for the government of the Spanish possessions in the western hemisphere. No attempt will be made to exhaust the material contained in these laws which has bearing upon the subject of municipal government, for such a study would necessitate an investigation of the majority of the ordinances existing in the *recopilación*. Insight will be given into only a few of the laws for the purpose of demonstrating how central authority regulated the local administration of Mexico City until the year 1534. As Mr. Jones says, "A study of Spanish colonial public law shows how completely was the local government provided for by the crown."⁵

It is interesting to note that even before the government of a municipality was organized along administrative lines, the guiding influence of sovereign authority extended across the waters to designate the general physiographical conditions of the territory upon which the settlement was to be established. It was provided that if the desire of the settlers was to establish themselves along the seacoast, the site selected should be sufficiently elevated, healthy, and adequately protected by natural sur-

³*Ibid.*, 258.

⁴Solórzano, *Política indiana*, II, 394. A nucleus of the Council of 1524 was established in 1517 when Charles V. organized a group of seven members to give advice upon Indian affairs (Bourne, *Spain in America*, 244). As early as 1509 orders were given to a body called the Council of the Indies (Priestley, *José de Gálvez*, 16, citing Danvila y Collado, *Significación que tuvieron en el gobierno de América la casa de la contratación de Sevilla y el Consejo supremo de Indias*, 25).

⁵O. Garfield Jones, *Local Government in the Spanish Colonies as Provided for by the Recopilación de leyes de los reinos de las Indias: The Southwestern Historical Quarterly*, XIX, 65.

roundings. Consideration was required for the width, depth, and defense of the port. If the local unit should happen to be an inland establishment, its founders were instructed, on the one hand, not to select a site which possessed too much of an elevation because of the molestation which would follow from the winds, and because of the difficulty of communication. On the other hand, they were advised not to choose a site which was very low because illness of the inhabitants was sure to result. All sites of settlements were to be selected with as little inconvenience to the Indians as possible.⁵

Generally speaking, the laws of the Council of the Indies provided the same legal status for all municipalities. Minor variations existed in the organization of the several *cabildos* in that the elaborateness of the administrative body depended upon the size of the local unit. We will not consider at present the type of administrative machinery that prevailed throughout the *cabildos* of Hispanic America, inasmuch as that machinery will be represented in a later account of the organization of the *cabildo* of Mexico City. Suffice it to say that the general legislation of the body of a law under discussion made possible such uniformity.⁶ A method commonly employed whereby the king accentuated the personal union between Spain and her colonies was that of royal ordinances which took the name of *cédulas*. Some of these *cédulas* were particular in their application, while other were more general. A few of these royal documents may be cited for the purpose of showing to what extent the paternal supervision of the crown reached to the minute affairs of local administration and municipal life. In the year 1522 the emperor Charles V. issued a *cédula* through which he conferred several desirable privileges upon the *vecinos* of New Spain. Apparently, according to the trend of the *cédula*, the king made the grants as a result of the supplications of several of the provinces of New Spain, and upon the request of the great city of Temistitán, which is only another name for Mexico City. The monarch decreed that for two years following the date of the *cédula* the citizens of the land should yield to the royal treasury only one-tenth of the product of all discovered gold mines. The third year the toll was to be increased to one-ninth, and the fourth year to one-eighth; and

⁵Recopilación, lib. 4, tit. 7, ley 1.

⁶Priestley, *Spanish Colonial Municipalities*, 399.

thus the tax was to continue to grow yearly until it reached one-fifth, when it should remain stationary.

It was conceded that for six years following the date of the *cédula* the settlers of New Spain would not be obliged to pay a tax for the salt which they would consume, provided it was a product of the land. Furthermore, in the same decree, the king promised that for a term of eight years these same settlers need not pay the duties of the *almojarifazgo* (export and import duties) because it was essential that they be provided with the necessities of life from Castile. Until notified differently, neither were they required to pay the *alcabala* or tax levied upon the exchange and sale of goods.⁷ The fact that these exemptions from taxation were considered of sufficient importance to justify a royal *cédula* indicates that the municipalities of the New World were afflicted with the same burdensome economic system that beset the inhabitants of Spain.

In the same decree it is signified that central power took considerable interest in the dispensation of public charity. Charles V. provided that those citizens who had spent their strength in the conquest of the western territory, and had been disabled in the struggle to the extent that they were impeded in gaining a livelihood, should be granted certain specific annuities. To him who sustained the greatest injuries was to be given fifty gold *pesos*.⁸ The benefits decreased from this maximum payment according to the nature of the affliction.⁹

Another royal ordinance of interest, which had special bearing upon the local organization of Hispanic-American towns and cities, was that issued by his Majesty in 1522 which conferred pecuniary gifts upon the municipal treasuries. Due to the petition of the towns, the king decreed that for a period of ten years following the date of the *cédula* all fines payable to the royal treasury should be payable to the exchequer of the cities, towns, and villages in the jurisdiction of which the sentences were levied. The gift was given for the benefit of the construction of roads, highways, and bridges, and it was specifically required

⁷*Actas de cabildo de la ciudad de Méjico*, I., 213.

⁸A *peso* was a Spanish dollar.

⁹*Actas de cabildo*, I., 214-215. The *cédula* containing the above provisions was registered in the city of Seville, November 28, 1523. It was not proclaimed in Mexico City until June 10, 1524.

that the funds derived should be spent for the purpose that prompted the giving.¹⁰

On the thirty-first of August of the year 1526, Marcos de Aguilar presented in the *cabildo* of Mexico City a new *cédula* of the king, by virtue of which he repealed the decree that had granted the somewhat generous gift made a few years previous. He demanded that all fines payable to the royal exchequer should be delivered into the hands of the royal treasurer, notwithstanding the former grant to the municipalities of New Spain.¹¹ In November of the same year the ordinance was repealed that had diminished the tax exacted from the product of gold mines. Royal officials were instructed forthwith to collect one-fifth of all mined gold. The magistrates of Mexico City protested vigorously because, they argued, it would discourage the mining of gold and would, in a roundabout way, diminish royal incomes.¹²

A third *cédula* of Charles V. that was announced in the *cabildo* of Mexico City in 1524 was that which forbade lawyers and attorneys to journey to the new land. The argument against their presence was that they caused lawsuits and differences to originate among the citizens. Those lawyers who had already settled in the land were requested, under penalty of heavy fine, not to act as attorneys nor to give advice through writing or by word of mouth.¹³ At first glance, the *cédula* might lead one to believe the king had forbidden the municipal entities of New Spain to send their solicitors to the *Cortes* of the kingdom, for the term employed referring to attorneys was that of *procuradores*, which was also the official name of the municipal representatives sent to the *Cortes*. It is evident, however, that the king did not include such *procuradores* in his ordinance, for throughout the minutes of the *ayuntamiento* of Mexico City we find mention of the election and duties of the representatives designated for the *Cortes*.¹⁴ Furthermore, it was apparently considered perfectly legitimate for Mexico City to maintain in official position attorneys who gave advice and cared for the legal interests of the *cabildo*.¹⁵

¹⁰*Actas de cabildo*, I, 215. This *cédula* was registered in the books of the Casa de Contratación of Seville, November 17, 1523. It was proclaimed in Mexico City June 10, 1524, by command of Hernanda Cortés, captain-general and governor of New Spain.

¹¹*Ibid.*, I, 104.

¹²*Ibid.*, I, 110.

¹³*Actas de cabildo*, I, 216.

¹⁴*Ibid.*, I, 12, 13, 44, 104, 110; II, 11-13, 15.

¹⁵*Ibid.*, 106-107, 113, 157; II, 27, 52, 86, 87.

On October 15, 1522, the king issued a proclamation to all of the *concejos*, judiciary members, and councilmen or *regidores* of the municipalities of New Spain and its provinces, in which he extended to the conquerors (*conquistadores*) and settlers (*pobladores*) of the land the right to bear arms. They were granted the privilege in recognition of the services which they had performed in behalf of the conquest and settlement of the New World. They were required to guarantee to the judiciary department of the administration that they would carry the arms only for the purpose of guarding and defending their persons.¹⁶ Indeed, the right to bear arms, both for offensive and defensive reasons, tends of itself to become a virtual necessity for existence in a land uncivilized and untamed, and the very fact that municipal authority had to depend upon royal benevolence to make effective such a privilege emphasizes the completeness of the paternalism of sixteenth century Spanish government.

Several of the decrees of Charles V. display his keen interest in the strictly material side of the conquest. The years 1526 and 1527 witnessed attempts on the part of the sovereign to regulate in New Spain those interests which pertained to gold and silver in such a manner that the crown would derive all possible benefit. Evidently, it had been the practice of local officials to confer the right to mine gold and silver metals only upon the persons who enjoyed special favor in the eyes of the administration. Of course, such a favoritism tended to work in opposition to the interests of the royal treasury because it deterred the extensive operation of the mining industry. Consequently, the king, issuing his decrees through the Council of the Indies, commanded local magistrates to grant licenses to all individuals who wished to participate in the occupation of mining. The ordinance applied to all members of society, regardless of their status in the social organism.¹⁷ Furthermore, it was declared injurious to trade and commercial relations for the baser metals to be mixed with gold and silver in the process of coinage.¹⁸

The foregoing *cédulas* were general in their effect, it is true, but as has been said before, the government of any one Spanish

¹⁶*Actas de cabildo*, I., 217. The *cédula* was issued October 15, 1522. It was registered in the Casa de Contratación, Seville, November 17, 1523.

¹⁷*Actas de cabildo*, I., 219-220. The *cédula* bears the date of November 9, 1526. It was proclaimed in Mexico City August 22, 1527.

¹⁸*Ibid.*, I., 221. The *cédula* was issued by the king, November 4, 1525.

colonial municipality cannot be studied without some reference to the colonial administration as a whole because the legislation which made possible the formation and growth of each particular local entity was general in application.

Among the *cédulas* that appear in the municipal records of the city of Mexico, one in particular stands forth because of the immediate importance which it bore for that municipality. In 1523 the king recognized Mexico City as being the most important local unit belonging to the territory of New Spain, and he saw fit to concede to the city a coat of arms in acknowledgment of the splendid services which its citizens had rendered in the subjugation of the land. The insignia was significant of strength and victory, and was intended to express the good will which the monarch bore toward the *vecinos* resident in the locality. The background of the coat of arms was a shield of blue which was supposed to be the color of the magnificent lake upon the banks of which the city had been erected. In the center of the blue field of water appeared a gilded fort or castle, and approaching the stronghold from the sides and center were three bridges of hewn stone. The bridges which approached the sides of the fort did not reach entirely to the edifice, and the apertures were sheltered by two lions rampant, one upon each respective bridge. The lions stood facing each other with their fore feet upon the castle, in token of the victory which had been gained. In the gilded outer margin of the shield were ten leaves of the prickly pear cactus (*nopal*) or Indian fig, a plant which was prevalent throughout the province. The *cabildo* of the city was given the right to stamp the insignia upon all of its standards and wherever else its members might desire."

Not only did the Spanish monarchs seek to regulate the affairs of colonial municipal administration by means of legislation drawn up in the mother country, but they also deemed it advisable to place in the capitals and leading cities of the several provinces royal officials whose duty it was to see that local affairs were conducted in a manner compatible with the interests of the crown. Central authority was not content with the judicial administration of the *alcaldes ordinarios* or elected municipal judges. The sovereign held the opinion that officers who

¹⁰*Actas de cabildo*, I., 211-212. The decree was issued by the king, July 4, 1523. It was registered in the Casa de Contratación December 17, 1525. There is a picture of the coat of arms of Mexico City in *México a través de los siglos*, II., 463.

carried with them the immediate prestige of the crown were more effective in maintaining in peace and justice the Spaniards and Indians who inhabited the western lands. The method adopted was an imitation of a similar process employed in the kingdoms of León and Castile whereby royal authority was enforced over local administration. The plan of supervision was practically identical throughout the sections of North and South America, although the king's officers bore different official titles according to the section of the territory over which they exercised jurisdiction. In Peru they were called *corregidores*, in New Spain *alcaldes mayores*, and in some provinces such as Chicuito, Buenos Ayres, Havana, and Cumaná, they were designated by the title of governor.²⁰ Bernard Moses sums up their duties when he says, "They found themselves charged with whatever might contribute to order and the public tranquility."²¹

The royal officers were supposed to be the angel custodians of the provinces and Indians under their authority and, for the purpose of fulfilling this expectation, they were required to proceed with all possible vigilance, purity of life, and zeal for justice. Apparently, they were expected to possess rare and exceptional virtue. In spite of these excellent prerequisites to office, either proper attention was not given in Spain to the selection of the officials, or the men chosen degenerated from their obligations during the voyage to the Indies. In either alternative, the prospective caretakers of peace and justice abandoned themselves to vice and pleasure, especially directing their energies toward the accumulation of gold and silver for the purpose of returning to Spain rich in material wealth.²²

The Spanish kings recognized the prevalence of these excesses, and left no stone unturned in the attempt to remedy conditions. A solemn oath of office became incumbent upon all governors, *corregidores*, and *alcaldes mayores* who held official positions in the municipalities of the New World.²³ The following is a translation of the oath of office as it appears in the *Recopilación de leyes de las Indias*:

²⁰Solórzano, *Política indiana*, II., 261-262. The name *corregidor* was not employed exclusively in Peru. There were also *corregidores* in New Spain (Priestley, José de Gálvez, 60).

²¹Bernard Moses, *The Early Political Organization of Mexico*, 267.

²²Solórzano, *Política indiana*, II., 262.

²³Solórzano, *Política indiana*, II., 263.

That you swear to God, to the Cross, and to the words of the holy evangelists that you will use well and faithfully the office of governor and captain-general which has been given to you; that you will guard the service of God and of his Majesty, and take care of the well being and good government of the province; that you will look after the interests, advancement, and conservation of the Indians, and will mete out justice to all parts without the exception of any persons; that you will guard and comply with the treatises of good government, the laws of the kingdom, the decrees and provisions of his Majesty, and the ordinances that are made and enacted for the good government of the State of the Indies; that you will not take part nor engage in trade, either upon your own initiative or by means of agents; that you will make no agreement nor contract with your lieutenant (*teniente*), constables (*agualciles*), or other officials concerning their salaries and rights of office, inasmuch as his Majesty commands it; that you will not permit nor consent that your officials have excessive privileges, or receive gifts, bribes, or any concession other than their rights permit, under penalty of privation of office and the payment of a sevenfold fine; that you will take care of the court of justice and the provisions that are resolved upon concerning it; that you will not choose any of the said officials upon the request or intercession of any person of the realm or outside of it, according to the chapter of good government which deals with the subject, but that you will choose freely the persons who, it seems to you, are suitable for the said offices. If you should select any officers contrary to these stipulations, promise you will dispense with them immediately. In short, swear that you will do what you should do and are obliged to do. Say: *Yes, I swear.* If this you will do, may God aid you, and if not, may He revoke your commission. Amen."

By a law passed in 1530, the Council of the Indies commanded the *corregidores* and governors to visit all of the districts of the city, village, or territory under their jurisdiction for the purpose of determining whether or not the locality was densely populated. They were authorized to investigate the number of judicial decisions and writs of execution that had been enacted within their territory, and to take account of those that came within their authority. They were requested to transmit those that fell beyond

²²*Recopilación*, lib. 5, tit. 2, ley 7.

their authority to the royal *audiencia* in order that justice might be effected throughout the kingdom.²²

A further law of 1530 commissioned the local officials, representing central power, to take special cognizance of the conditions and manner of life of the Indians, and to do their utmost in the struggle to elevate them to a higher plane of existence. It became their duty to see that the other municipal officials used their offices faithfully and diligently, and that the land was well provided, at reasonable prices, with meat, fish, and other necessary provisions. They were required to make certain that all inclosures, walls, ditches, streets, high-roads, bridges, drains, water supplies and meat markets were kept clean and in good repair²³

Although a subsequent chapter will deal with the working organization of the *cabildo* of Mexico City, mention may here be made of the fact that the metropolis of New Spain was doubly blessed in the possession of royal officials during the first years of her existence as a local entity. She had resident within her borders both an *alcalde mayor* and the famous captain-general and governor of New Spain, Hernando Cortés. The supervision of the governor did not cease to function when the adventures of the conquest demanded that he be present in parts of the land other than Mexico City. He appointed deputies or lieutenants to take his place, during his absence, among the administrative magistrates of the municipality, and the zealotness with which ambitious men sought control of the office caused poignant discomfiture to the *cabildo*.²⁴

The above statement may be illustrated by an unhappy situation experienced by the *cabildo* in the year 1524. When Cortés went to Honduras, he appointed for his deputies a lawyer by the name of Alonzo Zuazo, Rodrigo de Albornós, and Alonso de Estrada. They appeared for the first time in the *ayuntamiento* on November 4, 1524.²⁵ In December of the same year Gonzalo de Salazar and Pedro Almildez Cherinos presented before the *cabildo* a provision of the governor whereby they were apparently authorized to act as deputies in conjunction with Alonzo Zuazo.²⁶ The *cabildo* accepted them, inasmuch as Cortés had commanded it,

²²*Recopilación*, lib. 5, tit. 2, ley 15.

²³*Recopilación*, lib. 5, tit. 2, ley 22.

²⁴*Actas de cabildo*, 1524-5, *passim*.

²⁵*Ibid.*, I., 20.

²⁶*Ibid.*, I., 23.

and shortly after they were installed in office they challenged the right of Albornós and Estrada to hold membership in the *cabildo*. They claimed that theirs was the right to represent the captain-general of New Spain in his official capacity, and they requested, or rather demanded, that Albornós and Estrada relinquish their claim to office. Now the *cabildo* was in a precarious situation for both parties of the dispute possessed decrees of the governor conferring upon them the right of office, and there was no basis upon which to determine whether one decree was more valid than the other. The possibility of seeking advice from Cortés did not present itself because communication was difficult, and his whereabouts was unknown. Failing to reach an agreement among themselves as to what should be done, the *regidores* adopted the expedient of referring the case to the lawyer, Alonso Zuazo.²⁰ Zuazo recommended that all four claimants be admitted as joint holders of the office, and his counsel was accepted as being the only satisfactory means of bringing an end to the difficulty.²¹ However, the argument continued with the result that the cleverness of Cherinos and Salazar swung the balance of opinion in their favor, and on April 20 the *regidores* agreed that in the future Albornós and Estrada should absent themselves from all meetings of the *cabildo*.²²

Not content with merely gaining admission into the administrative body of the city, the two successful contestants for office directed their energies toward augmenting the power of their position. They took advantage of the current report circulating through the kingdom that Cortés was dead, and they demanded that they be allowed to make an inventory of the jewels, gold and silver left by the governor in the care of Rodrigo de Paz, a *regidor* of the city. Rodrigo de Paz offered opposition to their design and fortified himself against attack in the house of the governor. The scandal and disturbance which followed was great, and the deputies demanded that the *cabildo* confirm them in their authority. It was decided that, according to law, when the death of a *corregidor*, governor or captain-general occurred, his deputies should succeed in office until the Crown should provide otherwise. The municipal authorities declared that the death of Cortés was very probable, since nothing had been heard of him

²⁰*Actas de cabildo*, I., 29-30.

²¹*Ibid.*, I., 34-35.

²²*Ibid.*, I., 35-36.

for six months, and they ordered that Cherinos and Salazar be obeyed as sub-delegates of the king.²³

The only obstacle that appeared to confront the selfish ambitions of the two men was none other than the person of Cortés himself. In May of 1526, the *cabildo* received a letter from the captain-general in which he lamented the fact that wicked rogues had desired to bring death upon him with the end in view of furthering their own interests. He promised the municipal body that as soon as his health would permit he would favor the city with a visit, and requested that during the meantime the *cabildo* should obey the commands of his delegates, Alonso de Estrada and Rodrigo de Albornós.²⁴

The fraudulent plans of Cherinos and Salazar met complete destruction when, on June 28, 1526, Alonso de Grado presented before the magistrates of the *ayuntamiento* a provision of the governor, the tenor of which was as follows:

When I departed from the City of Mexico to carry on the wars of the conquest I left in my place, as deputy governor, Alonso de Estrada and Rodrigo de Albornós, treasurer and auditor of their Majesties, and I appointed Gonzalo de Salazar and Peramildez Cherinos to take charge of the government with them. Through craftiness, Salazar and Cherinos expelled Estrada and Albornoz, and remained sole governors of New Spain. When they beheld themselves possessed of power and authority in the land, they ruled tyrannically, enacting many robberies and much injustice against the Spanish citizens and inhabitants as well as against the natives who have been maltreated and whose grievances are great. The wrongs committed against their property have resulted in the diminution of the native population. The laws wherein their Majesties commanded just and good treatment of their subjects have been broken.

Speaking to Alonso de Grado, Cortés went on to say:

I name you and make you my judge and visitor-general in order that upon your own authority you can carry the insignia of justice throughout all the cities, towns, villages and mines of New Spain. You have the power to make inquiries and conduct secret investigations concerning the manner in which the Indians have been treated, and the extent to which the laws and ordinances of the

²³*Actas de cabildo*, I., 52-55.

²⁴*Ibid.*, 85-86.

kingdom have been obeyed. I command you to proceed against each and every person whom you may find guilty, and to apply justice in the form and manner in which it should be applied. You have the authority to proceed in all civil and criminal cases that may come before any judge, deputy, or *alcalde mayor*, with condition that you proceed in accordance with equity and good reason. I am informed that many Indians have been made slaves when there has been no efficacious reason for the act, and the injustice has resulted in great disservice to God, to their Majesties, and to the land and its inhabitants. To make amends for their wrong doings, they excuse themselves by showing the license of Gonzalo de Salazar and Pedro Armildez Cherinos. I give you authority to hear all cases concerning the said gentlemen. If any person of any status or rank should slander you or say any thing which he ought not to say during your official term as visitor-general, you may apprehend him, conduct an investigation against him, and deal with the case according to justice.

I command all *concejos*, justices, *regidores*, gentlemen, good men and all other persons of the cities, towns, and villages of New Spain that they accept as such my visitor-general whom they must obey. Those who disobey him or hinder him are subject to the loss of all their estates which will go to the royal treasury of the king.²⁸

Apparently, the visitation of Alonso de Grado resulted in no very important innovations in the governmental affairs, for a royal *cédula* of 1525 made the licenciado, Luis Ponce de León, judge of *residencia* in New Spain.²⁹ The *cédula* which conferred upon him the commission is pertinent to the subject under discussion because it affords insight into the system of central supervision exercised by the crown over local entities. The following is the substance of that part of the *cédula* which dealt with the powers the judge was permitted to wield:

Know that in behalf of the execution and administration of justice and the good government of New Spain and the population which inhabits it, it is commanded that you take charge of the *residencia* conducted for Cortés and for his *alcaldes mayores*, lieutenants and other officials who have been and are now exercising authority. We commission you to exercise authority with that fidelity, diligence

²⁸*Actas de cabildo*, I., 88-90. The letter was dated in the city of Temixtitán, June 27, 1526. A more extensive translation of the letter is given by Priestley, *José de Gálvez*, 93-95.

²⁹Priestley, *José de Gálvez*, 95.

and good attention necessary for the justice and common good of the land, its citizens, and inhabitants, and we recommend to you that you present yourself, with our provision, in the great city of Temistitán before the governor and our officials who reside therein.

By our grace you have the office of *juez de residencia* of New Spain, and authority over all civil and criminal jurisdiction that, until now, has belonged to the governor. You may wield this authority as long as our good will is with you and your lieutenant. We command that you go to New Spain, that you exercise the said jurisdiction, and that you conduct for the governor and each of his officials a *residencia* which shall continue for a term of three months. You have the power to take charge of all judicial proceedings provided you make your sentences conform to the provisions and ordinances of the Catholic Kings our Fathers, and the governor, his officials, and all other persons who have held office must appear before you in person in the place where you reside, and they must be present during the time of the *residencia*.

We command that you inform yourself of the manner in which the governor and his officials have employed the power of their offices, and of the manner in which they have administered justice, especially in regard to public dismeasures. Determine the extent to which they have obeyed the laws, ordinances and instructions of the Catholic Kings, and if, through secret information, some are reported guilty, you must verify the validity of the statements and proceed according to the demands of justice. You are required to keep us informed of the condition of affairs.

You are commanded to gather information concerning the manner in which the governor has used and treated all things pertaining to the service of religion and the conversion of the natives. Investigate the administration of justice, the imposition of fines, and the diligence and fidelity of our treasury officials in behalf of the land and its inhabitants. Thus, make yourself acquainted as to how and in what manner the *regidores*, *mayordomos* (stewards), and *escribanos* (clerks) of the cities, towns, and villages have used and exercised the duties of their offices. As our *juez de residencia* you can hear and decide all lawsuits and all criminal and civil cases that are pending in the territory.

During the time of the *residencia* we suspend the governor and command him not to use the authority of his office.

The king continued, in his decree, to dwell at great length upon the powers of the *juez de residencia*. The *cabildo* of Mexico City was ordered to accept Ponce de León as a wielder of royal justice, and he was granted a salary of two thousand ducats a year, his official term dating from the day upon which he should present himself in the *cabildo* of the city. Ponce de León received the staff of justice on July 4, 1526."

Both the letter of Cortés to Alonso de Grado and the commission bestowed upon Ponce de León by the sovereign himself demonstrate the truth, emphasized earlier in the chapter, that Spanish colonial municipal administration was characterized by the dependence of local authority upon the will of central supremacy. The visitation and the *residencia* were the means, "along with the *audiencias*, by which the rulers of Spain checked the conduct of colonial officers of justice, administration and finance."⁷⁸

It has been noted previously that, during the years immediately following the discovery of the Indies, the crown found it convenient to forbid lawyers and attorneys to take up their habitation in the newly discovered territory. Neither were tribunals of justice permitted to be organized because the belief was prevalent among the leading officials of the administration that such courts of law would occasion extra expense and lawsuits, and would result in unnecessary molestations for the conquerors and settlers of New Spain. After the land had been pacified, however, the number of colonies and Spanish settlements increased rapidly in numbers and prestige. There was a parallel growth in material wealth and prosperity. The natural outcome of this territorial and economic expansion was the instigation of controversies and disputes among the citizens of the several localities. Not only did it become necessary to allow attorneys and lawyers to pursue their profession in the land for the purpose of guiding and legally advising the *vecinos*, but also it was found expedient to create and place in the principal cities of each province *audiencias* and royal chanceries. The purpose of the sovereign in erecting these royal courts of justice was to afford a means whereby appeal could be had from the sentences and grievances occasioned by the *alcaldes ordinarios* and the *corregidores*. Solórzano maintains, in his *Política indiana*, that much gratitude

⁷⁸Actas de cabildo, I., 91-94.

⁷⁹Priestley, José de Gálvez, 95.

was owed to the kings of Spain in consequence of the great benefaction which they had bestowed upon their vassals. He says:

In the localities where the kings and princes cannot intervene, there is nothing which can make justice more secure than by having ministers to support, administer, and establish justice in their own name, without which the kingdoms could not exist nor be conserved. They would be as human bodies without a soul.³⁹

The royal *audiencia* which Spain introduced into the colonial administration of her American settlements was not a new institution created especially for the government of Hispanic America. The institution had originated in Spain to serve the purpose of representing the king throughout the kingdom in the dispensation of justice. The *audiencia* which was transplanted upon American soil did not confine its proceedings strictly to judicial affairs. It was broader in its outlook in that it wielded power in all departments of government. It was a political as well as a judicial establishment. The first *audiencia* to be regularly organized in America was that of Santo Domingo, which extended its authority to the continent and included under its comprehensive control the city of Mexico itself.⁴⁰ However, the distance existing between the island settlement and Mexico resulted in the inability of the *audiencia* of Santo Domingo to cope with the conflicting interests and disturbances that were occurring on the continent. In answer to this deplorable inefficiency, the *audiencia* of Mexico was established in December, 1527.⁴¹ It included in its official membership four *oidores* or judges who were Francisco Maldonado, Alonso de Parada, Diego Degadillo, and Juan Matienzo.⁴² The order of the king which created the establishment commanded that there should be eight *oidores*, including four criminal lawyers, two *fiscales* or public attorneys, one civil and the other criminal, an *alguacil mayor* or marshal, and a lieutenant of the grand chancellor.⁴³ Since the city of Mexico harbored no public building suitable for the reception of such notables, the emperor requested Cortés to accomodate them in his palace.⁴⁴

³⁹Solórzano, *Política indiana*, II., 270-271, 282.

⁴⁰Moses, *The Early Political Organization of Mexico*, 259, 263, 265-266.

⁴¹*Ibid.*, 266.

⁴²Bancroft, *History of Mexico*, II., 274.

⁴³*Recopilación*, lib. 2, tit. 15, ley 3.

⁴⁴Bancroft, *History of Mexico*, II., 274.

The prerequisites to the official position of an *oidor* were very exacting, for it was necessary that an appointee be not only a prudent and virtuous man, but he also was required to have had experience in lesser official positions with the expectation that through them he would have acquired the key to the operations of those of more importance.⁴⁵

The *oidores* named for the *audiencia* of Mexico set sail from Spain in July, 1528, and in November, four months later, the *cabildo* of Mexico City received word that the gentlemen had arrived at the port of Vera Cruz. A deputation was sent out from the city to welcome them.⁴⁶ Nuño de Guzmán, who had been appointed president of the *audiencia*, did not arrive until the following month.⁴⁷

Apparently, the situation received the hearty approval of the *regidores* and *alcaldes* of the city, for shortly after its members had reached their destination the city magistrates asked the president that he attend all meetings of the *cabildo* in order that affairs might be conducted in better accord with the service of the king.⁴⁸ Evidently, he complied with the request, for his name is found among those of the magistrates who sat in later meetings of the *ayuntamiento*. His presence did not continue to be appreciated by the local administration. It was but natural that the city officials should resent the imposition from above of a comprehensive supervision that curtailed their authority and diminished their prestige in municipal affairs. The *alcaldes* and *regidores* deemed it advisable to inform Guzmán that, inasmuch as order had been established in the *cabildo*, it was no longer necessary for him to sit in its meetings. They agreed that no one possessed the right or the privilege to enter the *cabildo* except the officials mentioned in the laws and promulgations of the kingdom, and they politely requested the president and the *oidores* of the *audiencia* to absent themselves in the future from all sessions of the *cabildo* of Mexico City. This action of the local authorities took place in December, 1529.⁴⁹ Their efforts did not bear immediate fruit, for the municipal minutes of 1530 bear record of the fact that, during the entire year, the *audiencia* maintained its

⁴⁵Solórzano, *Política indiana*, 284-285.

⁴⁶Moses, *The Early Political Organization of Mexico*, 266.

⁴⁷Moses, *The Early Political Organization of Mexico*, 266.

⁴⁸*Actas de cabildo*, I., 202.

⁴⁹*Actas de cabildo*, II., 24-25.

representatives in the city council. The *regidores* could entreat; they could request; but beyond this they were powerless. If the king's officers did not deign to take cognizance of the entreaties and requests, the dignity of local authority could do nothing more than bend to the superior prestige of central power. Due to the urgent and emphatic demands of the city magistrates, however, the members of the *audiencia* ceased to attend *cabildo* meetings at the beginning of the year 1531.⁵⁰

A potent means of royal interference in royal affairs was effected by the king when he adopted the practice of appointing *regidores* in perpetuity to sit in the municipal *cabildos* of New Spain. Comparatively in the municipal history of Mexico City, the *regidor* appointed by the sovereign took his seat in the municipal council and, before the first decade of the existence of the city had passed, the majority of her councilmen owed their official positions to none other than Charles V.⁵¹

In addition to the secular control effected over municipal administration by the appointed officers of the king, the local organization of New Spain came into contact with the organized government of the Roman Catholic Church. That contact was not always pleasant. Secular authority resented any encroachment of the church in affairs that pertained to the government of the land, and such resentment was exemplified early in the history of the development of Mexico City. In 1525 the local authorities of the city complained, in one of the regular meetings of the *ayuntamiento*, that the friars of the order of Saint Francis, who were resident in the city, had unlawfully assumed civil and criminal jurisdiction. The *regidores* protested that such assumption of power was illegal and out of harmony with the policy of the administration. In answer to the accusation made by the *cabildo*, the local superior of the monastery presented two papal Bulls which had been authenticated by the king, and by virtue of which the friars of the Franciscan order claimed the right not only to participate in duties relative to the exonerations of conscience, but also in affairs pertaining to judicial matters. The Bulls commanded that the Franciscan friars be accepted as necessary to the service of the Catholic faith, but they contained no clauses which could be interpreted as being grants of judicial authority. The *regidores* forbade the friars to exercise any civil

⁵⁰*Actas de cabildo*, II., 75, *passim*.

⁵¹*Ibid.*, I., 104, 181; II., 92, 101.

or criminal jurisdiction whatsoever without the special authorization of the king.⁵²

The year 1530 witnessed a more serious conflict between the city magistrates of Temistitán and the clerical force of Roman Catholicism. Mexico City had met with the deplorable fate of being placed under the interdiction of the church, and all religious functions had been suspended. The clergy and friars of the Franciscan order had left their monastery in the city depopulated and abandoned. The altars were deserted, and the entire church was in a condition of confusion and disorder. The effect upon the inhabitants was anything but conducive to law and good government. Prejudice grew against Cortés and against the king. Riots developed amidst the populace to the extent that mobs assaulted the jail, broke down the doors, and turned loose upon society the criminals and delinquents. The difficulty had arisen because the *audiencia* had pursued, beyond the doors of the cloister, a refugee from the law who had sought protection in the Franciscan monastery. The interdiction was the objection of the church to the action of the judicial branch of secular authority. The bishop elect of the city, Fray Juan de Zumarraga, admitted that the people of Mexico City were not responsible for the conduct of the *audiencia*, but he upheld the action of the Franciscan order upon the claim that the church had no other means of protection or defense. Both the *audiencia* and the *cabildo* were humbled before a superior force which they could not successfully combat because of the vital grip that the church maintained upon the lives and the minds of the Mexican people.⁵³

A comprehensive appreciation of the municipal organization that controlled the government of Mexico City, during the first decade of the history of the city, demands that some appraisal be afforded of the contacts which existed between the local government of New Spain and the central administration of the kingdom. A delineation of these contacts has been given for the purpose of exemplifying the fact that the *cabildo* of Mexico City was an integral part of a more compendious and extensive administrative system. All authority culminated in the person of the sovereign. Acting in conjunction with the Council of the Indies, he provided general legislation which made possible for

⁵²Actas de cabildo, I., 49-50.

⁵³Actas de cabildo, II., 36-38.

the cities, towns, and villages of New Spain a uniform plan of local organization. The king's officers maintained over the municipal *cabildos* a strict system of supervision by virtue of which the interests of centralization were placed in the foreground. There was one force which dared to offer opposition to the representatives of royal authority, and that force was none other than the organized power of the Roman Catholic Church.

In contrast to the general application of the institutions considered in the preceding discussion, the following chapter has for its purpose a description of the formation and procedure of the specific organization which dealt only with the municipal affairs of Mexico City.

CHAPTER III.

The Organization and Procedure of the Cabildo of Mexico City (1524-1534).

When Cortés invaded the land of the Aztecs in 1519, he saw stretching before him a delightful and spacious valley through which ran smoothly and slowly the streams that flowed from the surrounding mountains. In the midst of the valley were many lakes, and upon the banks of the two largest ones prospered more than fifty cities. The circumference of these two lakes was thirty leagues, and they were divided by a dike of great solidity which was broken at intervals by locks or flood gates, constructed for the purpose of permitting the waters of the one to be discharged into those of the other whenever necessity demanded. The lake that sustained the greatest elevation contained sweet waters which abounded with fish of a delicious flavor, while the lower lake was extremely salty, and for this reason was very useful to the Mexicans who purified upon its banks the salt deposited by the tides.

In the center of the salt lake was situated the great city of Temistitán, which communicated with the mainland by three distinct highways. One extended two leagues toward the south, another stretched a league toward the north, and the third followed a westward route. The streets of the city were wide and well constructed, some being formed of water, and some of land. A multitude of barques incessantly navigated the waters of the lake, and witnesses assure us that, at the time of the Spaniards'

arrival, more than fifty thousand canoes were in evidence in addition to a number of smaller structures. The city was divided into two districts, one of which was called Tlaltelolco, where lived the masses of the people. Mexico, the more important of the two sections, harbored the public buildings, royal palaces and houses of the nobles who held membership in Montezuma's court. Within the limits of the latter district were erected many richly adorned temples which stood, in all their splendor, as monuments to the magnificence of the Mexican civilization.¹

The Aztec empire formally passed from Indian to Spanish control on August 13, 1521, when Quatemoc, emperor of the Aztecs, was ushered into the presence of Cortés, to whom he spoke in the following terms: "Having fulfilled the duties of a king in the defense of my nation, by the will of the gods, I come a captive into your presence." Touching the sword which Cortés wore, he continued: "Hear Spaniard! run this sword through my heart and take from me the life which is no longer useful to my people."²

After the city had been captured by the armies of Cortés, the Spaniards were confronted with the question of what to do with the conquered territory. It was evident that a stronghold was needed in the valley in order to insure permanent possession, and the choice of the site of the future capital of New Spain necessitated careful consideration. The recollection of the architectural beauties which had adorned Mexico City before the conquest, together with her striking situation and strategic advantages, gained for her the preference of the *conquistadores*. Immediately following the selection of the capital, Cortés bent his attention upon the organization of the municipality along lines of Spanish municipal administration. He appointed municipal officers from among the leading men of the conquest, and Pedro de Alvarado received the position of *alcalde mayor*.³ Mexico City affords an example of a municipal plan of organization in which the leader of the conquering expedition possessed the right to name the first set of officers for the towns within the limits of his grant.

Due to the fact that the record of the first year of the proceedings of the city was lost in the fire of 1692, the names of the

¹Andrés Cavo, *Tres siglos de México*, 1521-1766, 1-2.

²*Ibid.*, 3.

³Bancroft, *History of Mexico*, II., 9, note 17.

first officers are not known. The first of the records which have been preserved for posterity is dated March 8, 1524.⁴

In 1521, the king of Spain issued a royal *cédula* which dealt with the powers and duties of the *adelantados* and *pobladores* of expeditions, the primary object of which was to make discoveries and settlements upon the mainland. The decree commanded that the first interest of the *adelantado* should be directed toward naming, with great care and vigilance, all of the cities, towns, and villages that were found within the land included under the jurisdiction of his capitulation. Special attention was required to be given to all things which had bearing upon the propagation of the Catholic religion and the consecration of the Indian *caciques*, with their attendant followers, to the service of God and the divine cult. As has been intimated previously, the number and site of the respective cities, towns, and villages of *terra firma* were deemed to be of primary importance. It was considered necessary that there be founded upon the coast a number of settlements sufficient to insure the safety of commerce and the security of the land.

After advantageous and strategic sites had been selected and the general plan of the municipality had been determined upon, the *adelantado* was required to direct his energies toward organizing the administration of the localities. The emperor stipulated in the ordinance that, inasmuch as the offices of the city magistrates were not perpetual, the *adelantado* must command that in each municipality there be named, for one year, persons possessed with the ability to rule.⁵

It is of interest to note the manner in which Cortés complied with the orders stipulated in the *cédula de población*. At first consideration it would seem that no doubt could arise in the minds of the Spaniards concerning the promising advantages that Temistitán offered for the location of the capital of New Spain. The strategic advantages of the city could not be denied, for the site was protected upon all sides by water, which was a condition favorable for defense and for the control of the entire lake region. However, there was present among the *conquistadores* a minority who maintained that during times of revolt the Indians might cut out causeways leading to and from the city, and thus isolate the inhabitants within their island settlement. This,

⁴*Ibid.*, II, 9, note 17.

⁵*Documentos inéditos del archivo de Indias*, II, 561-563.

they claimed, would make it practically impossible to utilize the Spanish cavalry as a means of Indian control. They also prophesied that the prospect of inundations placed the city in a position which would not prove to be entirely safe. Cortés, who had the final word, decided in favor of Mexico City because of the prestige which the site wielded throughout the valley.⁶

As soon as the site had been definitely determined upon, sanitary measures were taken to insure the future welfare of the citizens who were facing conditions that were by no means favorable to good health. A general plan for the construction of the city was drawn up. Provision was made for a Spanish quarter to be erected in the district called Tenochtitlán, which had been previously dedicated to the imperial palaces of Montezuma. One of the two sections of the Spanish quarter was utilized for distribution among the settlers, while the other was reserved for a huge market place, around which were to be erected a church, a convent, a gubernatorial palace, a town hall, a prison, and other buildings of a public character. Cortés himself built two houses of unusual strength upon the sites of the former palaces of Montezuma, and it was in these houses that the early sessions of the *cabildo* of Mexico City were conducted.⁷

In Mexico City, as in other Spanish colonial municipalities, the most numerous and most essential officers of the *cabildo* were the *regidores* or town councilmen.⁸ The *cabildo* under discussion did not partake of the democratic nature which the *ayuntamientos* of Castile and León had enjoyed when the *vecinos* of the *ciudad* met together and chose, by popular election, the men who were to govern them. Neither was the local administration of the capital of New Spain as democratic in formation as was the administration of some of the neighboring local entities of the New World. Bernard Moses describes Spanish colonial municipalities in which the members of the first municipal council were selected by the leader of the conquering expedition, with the provision that all subsequent councils should be composed of representatives elected by the *vecinos*.⁹ In most instances, when the first group of appointed officers had served the prescribed term of one year, the retiring *regidores* named the men who were to succeed them in office.¹⁰

⁶Bancroft, *History of Mexico*, I., 8-9.

⁷Bancroft, *History of Mexico*, II., 9-12; *Actas de cabildo*, I., *passim*.

⁸Priestley, *Spanish Colonial Municipalities*, 400.

⁹Moses, *Spanish Dependencies in South America*, II., 370-371.

¹⁰Priestley, *Spanish Colonial Municipalities*, 401-402.

Mexico City affords an example of municipal administration which approached the highest degree of autocracy, for the governor of New Spain not only designated the men who were to sit in the initial *cabildo*, but he also bore the authority to nominate the magistrates of all subsequent *cabildos*. The municipal records of the city bear witness to the fact that on January 1, 1525, the lieutenants of Cortés presented in the regular meeting of the *ayuntamiento* an election of the *regidores*, *alcaldes*, and other city officials who had been nominated by Cortés for the succeeding year. The order of the governor was duly obeyed by the retiring council of 1524, and the persons named by Cortés were sworn into office.¹¹

The number of *regidores* attached to the municipal council of Mexico City varied from time to time and, during the first few years of the history of the city, was apparently dependent upon the caprice of the governor. In 1524 there were eight magistrates who held the official position of *regidor* in the municipal *cabildo*, but in 1525 Cortés reduced the body by one-half when he included in his decree of election the names of only four men who were to succeed in the place of the eight retiring councilmen.¹² Evidently, the decrease in the size of the council proved disadvantageous for the administration of the city, for, in August of the same year, the lieutenants of Cortés rehabilitated the *cabildo* by providing two additional *regidores*. They declared that the excessive insufficiency of councilmen justified their act.¹³ We may assume, then, that the lieutenants of Cortés, acting in his name, could appoint councilmen for Mexico City whenever they considered it expedient for the welfare of the municipality.

In 1526 the governor corrected his mistake of the previous year by increasing the number of *regidores* to twelve, but the vicissitudes of the *cabildo* could never be foretold. The appointees of Cortés had been in office for scarcely more than a month when one of their members, Antonio de Carvajal, proceeded to complicate affairs by seeking sanctuary in a monastery because of some transgression which he had committed against the law. His action necessitated the selection of a *regidor* to take his place, and, by action of the entire *cabildo*, Andres de Barrios was elected to succeed in office.¹⁴ This is the first instance among

¹¹*Actas de cabildo*, I., 25.

¹²*Ibid.*, I., 25.

¹³*Ibid.*, I., 51.

¹⁴*Actas de cabildo*, I., 69.

the records of the city wherein a *regidor* was chosen by the *cabildo* acting as a whole.¹⁵ At the following meeting of the council, the representatives of Cortés named Rodrigo Rangel for *regidor* in place of Leonel de Cervantes who had been advanced to the position of *alcalde ordinario*, thus reverting to the old method of the selection of *regidores* through the nomination of their superiors.¹⁶ In 1528 a slight deviation from the ordinary method of conciliar election occurred when the *alcaldes* and *regidores* belonging to the *cabildo* of 1527 nominated a group of men from which the governor chose the municipal officials for the *cabildo* of 1528.¹⁷ Thus, the choice of the governor was limited to persons who were favorable to the city administration considered collectively.

In the summer of 1526 the deplorable practice was initiated in Mexico City whereby the king conferred upon his favorites the office of *regidor* in perpetuity. On the third of August, two provisions were laid before the *cabildo* by virtue of which Doctor Hojeda and Luis de Berrios received the right to become *regidores* in Mexico City for such time as the good will of the monarch should permit. The local authorities could do nothing but submit to a power which they did not have the vigor to combat, but their general discomfiture is signified in that they begged their sovereign to confer his appointments upon persons who had served their country in the conquest and pacification of the land.¹⁸ From that time forward the number of *regidores* appointed by royal officials resident in New Spain continued to decrease, while the nominations of the crown increased until, in the annual election of 1531, the appointments to the office of *regidor* were not included.¹⁹ Thus, the last vestiges of popular influence in the municipal council of Mexico City passed out of existence, for the city administration became confined within the hands of a small oligarchy who were, of necessity, dominated by the will of the king, inasmuch as their term of office was dependent upon his favor.

Before the *regidores* appointed by the king gained control over the majority of conciliar positions, there was at least a pretense of annual renovation of the administrative body of the city,

¹⁵*Ibid.*, I., 76.

¹⁶*Ibid.*, I., 77.

¹⁷*Ibid.*, I., 157.

¹⁸*Actas de cabildo*, I., 101.

¹⁹*Ibid.*, II., 75.

The renovation was indeed a farce, however, for although the same person seldom held office for two successive years, nevertheless control was allowed to become vested within the hands of a few allied families who established a system of oligarchical domination in governmental affairs.²⁰ For instance, in 1525 a *regidor* by the name of Juan de la Torre sat in the *cabildo*, while in 1526 Luis de la Torre perpetuated the influence of the Torre family among the *regidores* of the city administration.²¹ In August of 1525 Cortés appointed Gonzalo Mexia to the position of *regidor* in Mexico City and, at the election of the succeeding year, Pablo Mexia was named a councilman regardless of the fact that Gonzalo remained an active official.²² Apparently, we may assume that Mexico City did not adhere to the practice of prohibiting a *regidor* from holding office for two successive terms. The municipal minutes make mention of the fact that Rodrigo de Paz held the office of councilman in the *cabildos* of 1524 and 1525.²³ In spite of the fact that throughout New Spain the *cabildos* were composed of varying numbers of perpetual and elective *regidores* during the latter years of the first decade of the history of Mexico City, no instance occurred wherein the councilmen renovated their body by periodical election.²⁴

We have investigated the election procedure followed during the first decade of the history of Mexico City for the selection of officials who had charge of matters pertaining to routine administration.²⁵ Now let us turn to a consideration of the *alcaldes ordinarios*, municipal judges who constituted the judicial branch of the city administration. The majority of the royal ordinances which made regulations pertinent to the office of *alcalde ordinario* were issued posterior to the period under discussion. In a provision of 1535 the king undertook to prevent the office from becoming the office of ambitious office-seekers by decreeing that *alcaldes ordinarios* could not be reelected to office until at least two years had elapsed from the time that they had relinquished the staff of justice.²⁶ During the years previous to this decree, the election of the municipal judges of Mexico City had depended entirely upon the regulations imposed by the local administration.

²⁰Priestley, *Spanish Colonial Municipalities*, 402.

²¹*Actas de cabildo*, I., 25, 69.

²²*Ibid.*, I., 25, 69.

²³*Ibid.*, I., 3, 25.

²⁴*Actas de cabildo*, II., 76, *passim*.

²⁵Priestley, *Spanish Colonial Municipalities*, 400.

²⁶*Recopilación*, lib. 5, tit. 3, ley 9.

The number of *alcaldes ordinarios* seems to have been fixed always at two, but the manner of their election and the personnel varied from time to time.²⁷

In 1524 the Bachiller Ortega and Rodrigo Rengel exercised the authority of local judges in the capital of New Spain, but the manner of their election is not stipulated since the records for the proceedings of the year do not begin until March 8. In July the Bachiller Ortega withdrew from the city for the purpose of participating in an enterprise undertaken for the service of the king, and Gonzalo de Ocampo, a *regidor* of the *cabildo*, succeeded him in office, although the method by which he was chosen is not mentioned.²⁸

The municipal minutes present definite information concerning the election of *alcaldes* for the year 1525, and the conclusion may be drawn that these officials come under the same autocratic supervision as did the city councilmen. They were appointed by Cortés, and he did not even deign to select them from among the number of *regidores* of the preceding council, as was the custom followed in several of the municipal entities.²⁹ In 1526, however, the *alcaldes* nominated by the lieutenant of the governor were *regidores* who had held office in the *cabildo* of 1525, but the nominees were destined to have their authority questioned within a few weeks following their accession to power.³⁰ It will be remembered that the years 1525 and 1526 witnessed a serious dispute between four ambitious politicians who were contesting for the right to act as deputies for Cortés during his absence from the City of Mexico. Previous mention has been made of the fact that, by the direct action of Cortés, Alonso de Estrada and Rodrigo de Albornoz supplanted as deputies Gonzalo de Salazar and Peramíldez Cherinos.³¹

It was Salazar and Cherinos who had conducted the election of 1525, and, in order to signify their authority, Estrada and Albornoz named Francisco de Avila *alcalde ordinario* in place of Diego de Valdenebro, whose name disappears henceforth from among those of the local magistrates.³² The incident is merely an illustration to the effect that the municipal officials were sub-

²⁷ *Actas de cabildo*, I., II., *passim*.

²⁸ *Ibid.*, I., 15.

²⁹ *Ibid.*, I., 25.

³⁰ *Actas de cabildo*, I., 69.

³¹ *Ibid.*, I., 75-76.

³² *Ibid.*, I., 78, *passim*.

servient to the varying will of central authority. Evidently, the essentials of the spoils system were not unknown to Mexican politicians. The other *alcalde ordinario* selected by Salazar and Cherinos was permitted to continue in office. Now when the governor actually appeared in person in the *cabildo* of the capital, the *regidores* and *alcaldes* deemed it wise to place their positions at his disposal, for, they claimed, they had not been chosen by the governor, but by his lieutenants. Cortés did not consider himself bound by the decision of his representatives, for he appointed as *alcaldes ordinarios* Juan Jaramillo and Cristóbal Flores, while Francisco de Avila was relegated to the position of *regidor*.²³

The above discussion exemplifies the condition of instability that prevailed throughout the government of Mexico City during the first years of her history as a local entity, for surely no administration could be very firmly established, the officials of which changed whenever the caprice of a superior authority desired. During 1527 Cristóbal Flores remained active as a municipal judge, while Juan de la Torre was re-established in authority, thus defeating the renovation of municipal offices at periodical intervals.²⁴

Before the close of the year 1528, the *audiencia* was definitely established in Mexico City and, for the time being, was the sole representative of the crown. In the election of 1529 the *regidores* had the privilege of designating the persons whom they desired to be *alcaldes* for the ensuing year, an innovation which was entirely new to the city administration. The election was conducted secretly in the presence of the president and *oidores* of the *audiencia*. Each *regidor* wrote with ink upon a piece of paper the names of the two men for whom he wished to cast his vote. The licentiate Matienzo, one of the presiding *oidores*, collected the ballots and published the results. Andres de Barrios and Francisco de Orduña received the plurality of votes, and were thereupon declared elected. It is interesting to note that both of these men were *regidores* of the *cabildo*. The councilmen did not see fit to look beyond their own number in the search for men suitable to hold the position of *alcalde ordinario*.²⁵ The election of the *alcaldes ordinarios* by the *regidores* was initiated, and in

²³Actas de cabildo, I., 87-88.

²⁴Ibid., I., 113-155.

²⁵Actas de cabildo, I., 193.

the future the municipal councils of Mexico City continued to abide by the precedent established by the *cabildo* of 1528.³⁶

In a previous discussion reference has been made to the influence exercised by royal administrators over the municipal units of the New World. In 1524 there sat in the *ayuntamiento* of Mexico City not only the governor of New Spain, but also an *alcalde mayor* named Francisco de las Casas. His official term of office during 1524 was short lived, however, for after June 3 of that year his name does not appear among those of the officials sitting in the *cabildo* of the capital. After Las Casas ceased to sit in the regular meetings of the council, the services of the deputies of Cortés were evidently considered adequate to represent the interests of royal authority, for not until November of the year 1525 was another *alcalde mayor* appointed. This latter *alcalde* was not the immediate appointee of the crown, but received his authority directly from the lieutenants of Cortés.³⁷ Similar to Francisco de las Casas, Diego de Ordaz enjoyed official authority in the *cabildo* for only a brief time. The close of the year marked the termination of his career as an *alcalde mayor*. He had the privilege of wielding judicial power for a period of time amounting to less than two months.³⁸

In January of the following year the deputies of the governor appointed to the position of *alcalde mayor* Juan de Ortega, who was confirmed in office by Cortés when he assumed, in June, the duties that were incumbent upon him as governor of New Spain.³⁹ However, the career of Ortega met with a fate which was no more successful than was that of the *alcaldes mayores* who had preceded him. When Ponce de León landed in New Spain with the official capacity of *juez de residencia*, Cortés, with his accompanying lieutenants and *alcaldes*, remained suspended in office.⁴⁰ Ponce de León appointed Marcos de Aguilar to the office of chief justice of New Spain, and the *alcalde*, Juan de Ortega, who had enjoyed the authority of the position for only a few months, surrendered to Ponce de León the staff of justice.⁴¹ When, as a result of illness, the *juez de residencia* found himself incapacitated for exercising the functions of his office, Marcos

³⁶*Ibid.*, II., *passim*.

³⁷*Actas de cabildo*, I., 59-60.

³⁸*Ibid.*, I., 60-67.

³⁹*Ibid.*, I., 76, 87-88.

⁴⁰*Ibid.*, I., 92.

⁴¹*Actas de cabildo*, I., 95.

de Aguilar assumed control of the entire direction of the municipal administration, and remained active in office until death put an end to his activities in March, 1527.⁴² New Spain was thereupon confronted with the situation of having no leader to supervise the working organization of her body politic. Communication was difficult and extremely slow, and consequently it would have been futile to wait for the action of the sovereign. There was no authority within the land who possessed the legal right to appoint a governor of New Spain. The innovation effected by the *cabildo* of Mexico City adds veracity to the adage that "necessity is the mother of invention." The *alcaldes ordinarios* and *regidores* of the City of Mexico met together in *ayuntamiento* and decided that it was their duty and their privilege to nominate a temporary chief justice since there was no one resident in New Spain who possessed more potent authority. In force of this consideration, they nominated and elected Gonzalo de Sandoval for *justicia mayor*, and conferred upon him the right to exercise the same power which Marcos de Aguilar had wielded. The nomination was made in the name of the king and was to be effective only until his Majesty should provide otherwise. When Sandoval appeared in the *cabildo* in answer to the summons of the city magistrates, he was presented with the staff of justice, after which he took the customary oath of office and departed from the meeting.⁴³ The action of the *cabildo* was indeed an assumption of power which no previous council of the city had occasion to exercise. Heretofore, the appointment of the governor of the province had always been dependent upon royal prerogative.

The members of the council continued to discuss the election for which they were responsible, and they reached the conclusion that justice would be administered in a more efficient manner if more people were permitted to have a voice in its dispensation. Consequently, they elected Alonso de Estrada, treasurer general of the king, to share jointly with Sandoval the office of chief justice. In order to prevent any misunderstanding which might arise between the two men in regard to their respective authority, the city magistrates provided that both should act jointly in the administration of affairs falling under their jurisdiction, and it was specifically stipulated that one could not take action without

⁴²*Ibid.*, I., 101, 123.

⁴³*Actas de cabildo*, I., 123.

the other.⁴⁴ Six months passed, and the two *justicias mayores* worked together harmoniously in the administration of justice throughout New Spain.⁴⁵ In the latter part of August, while the *cabildo* was sitting in one of the regular meetings, Alonso de Estrada laid before the city officials a *cédula* of the king by virtue of which the authority that had belonged to Ponce de León was formally transferred to Marcos de Aguilar. Furthermore, the decree of the king provided that, in case Aguilar was interrupted in the exercise of his duties, he should appoint someone to act in his place during his inability to participate in the functions of his office. During his indisposition, Aguilar had renounced his entire authority in favor of Alonso de Estrada, and had appointed the treasurer general to act in the capacity of *justicia mayor*. The *cédula* of the king made the action of Aguilar valid. Alonso de Estrada became sole governor of New Spain, and remained in the position until he was superseded in authority by the president and *oidores* of the royal *audiencia* who came to New Spain in November, 1528.⁴⁶ The members of the court of the *audiencia* of Mexico took the place, for the time being, of the governor of New Spain, and the records of the history of Mexico City present no further instance wherein an *alcalde mayor* participated in the city administration.⁴⁷ The office was a tentative one to say the least, and justice was deprived of that stability of character which is derived from the presence of permanent officials.

A local position which gradually developed prestige in Mexico City was that of *alguacil mayor* or marshal of New Spain, who, like other officials previously discussed, was subject to the detailed regulations imposed by central authority.⁴⁸ In 1525 the *alguacil mayor* received his appointment directly from the governor of New Spain, and was formally admitted into office by the *cabildo* of Mexico City sitting in one of its regular meetings. Rodrigo de Paz not only enjoyed the privilege of being chief marshal of the municipality, but also held, at the same time, the position of *regidor* in the city, which entitled him to a vote in the *ayuntamiento*.⁴⁹ The case affords an example in municipal administration which points toward the accumulation of offices, a

⁴⁴Actas de cabildo, I, 124.

⁴⁵Ibid., I, 124-139.

⁴⁶Ibid., I, 186.

⁴⁷Actas de cabildo, II, *passim*.

⁴⁸Ibid., I, II, *passim*.

⁴⁹Ibid., II, 30.

practice which, if continued, eventually results in the concentration of authority within the control of a few. The *alcalde mayor* had the right to name his deputy sheriffs who cooperated with him in the execution of his official duties.⁵⁰ During the absence of the governor and captain-general of New Spain, his lieutenants assumed the obligation of naming a marshal, and the records for the initial years of the history of the city indicate that the office was renovated every year.⁵¹ In 1526, however, when Ponce de León, acting in the capacity of *juez de residencia*, occasioned the installation of a new regime of local officials, Diego Hernandez Proaño appeared in Mexico City with a royal decree by virtue of which he claimed the position of *alguacil mayor*. Proaño was admitted to office in accordance with the king's demand, and he remained in office until he was suspended by the *residencia* of 1531.⁵²

The *cédula* of Charles V. throws some light upon the duties that were incumbent upon a marshal in chief of New Spain. The document included the following regulations:

In behalf of our service and the justice and good government of New Spain, we send to our *juez de residencia*, Luis Ponce de León, Diego Proaño, who shall work hand in hand with him in the dispensation of justice and in the execution of orders made for the common good. It is our will that he hold office until we command otherwise, and that you transfer to him the staff of justice. He shall enjoy the salary and privileges belonging to the office.

The salary guaranteed to Proaño was three hundred and seventy thousand *maravedis* a year.⁵³

It is interesting to note the formal ceremony which was always enacted whenever a royal *cédula* was received from the king. In reference to the decree relating to the appointment of Proaño, the municipal minutes of Mexico City tell us that Luis Ponce de León, the royal treasury officials resident in the city, and the *regidores* took in their hands the said provision of his Majesty, kissed it, put it upon their heads and said that they would obey it as a letter and command of their king and natural sovereign whom, they prayed, God might permit to live and

⁵⁰*Actas de cabildo*, I., 75, *passim*.

⁵¹*Actas de cabildo*, I., 95, *passim*; II., 79.

⁵²*Ibid.*, I., 1524-25, *passim*.

⁵³*Actas de cabildo*, I., 96. A *maravedi* was an old Spanish coin worth about one-sixth of a cent.

govern for years to come, with an accompanying increase of lands and population. They promised to admit the knight, Diego Hernandez Proaño, to the use and exercise of the office of *alguacil mayor* according to the command of the royal decree, and to administer to him the oath of office required in such cases.⁵⁴

The *cabildo* of Mexico City was specifically affected by the advent of Proaño into the political affairs of the New World, for in December of 1528 he entered one of the council meetings and laid before the city magistrates a royal provision which granted him the right to enter the *cabildo* and cast his vote in the same manner as the *regidores*.⁵⁵ Once more the city magistrates had the ill-appreciated duty of including among their number a man who, by nature of his appointment, was a representative of the king and not of the people over whom he claimed the privilege of exercising authority. The fact that such appointments sometimes occasioned disagreement is evidenced by a bit of discussion which took place at one of the regular conciliar meetings in 1531. Here an opportunity affords itself to insert an illustration of the manner in which the *cabildo* of our investigation actually proceeded in the administration of municipal affairs.

Let us imagine ourselves to be in the position of onlookers at one of the conciliar meetings which took place in Mexico City during the course of the sixteenth century. Indeed, the position is an imaginary one for, as a rule, the municipal *cabildos* of New Spain admitted no onlookers.⁵⁶ They preferred to hold their sessions in secret, but their exclusiveness need not prevent us of the twentieth century from inflicting our presence upon them.

It is Wednesday, January 18, 1531, and we find ourselves in the midst of a group of municipal celebrities whom we recognize to be Pedro de los Rios, municipal judge, and Diego Hernandez Proaño, Doctor Hojeda, Francisco de Santa Cruz, Gonzalo Ruiz, Cristóbal de Barrios, Pedro de Samano and Francisco Flores, the acting *regidores* of the city. We must not fail to notice Miguel López, clerk of the *cabildo*, who keeps his quill pen plying at a rapid rate in order to record with veracity all of the proceedings of the day. Pedro de Samano, one of the *regidores* and also *alguacil mayor* of the *audiencia*, approaches the *cabildo* with the argument that Diego Hernandez de Proaño has lost his privilege

⁵⁴*Ibid.*, I., 97.

⁵⁵*Actas de cabildo*, I., 188.

⁵⁶Priestley, *Spanish Colonial Municipalities*, 405.

of being an active member in the city council inasmuch as a *residencia* is being conducted against him. Samano claims that the *residencia* automatically deprives Proaño of the right to enter the *cabildo*, and he asks the councilmen present to request Proaño to withdraw from the meeting. Our friend Proaño, however, does not intend to relinquish his position without a word of protest, and he proves to be perfectly capable of defending himself. He opposes Samano with the claim that he holds his vote and position in the *cabildo* by direct order of his Majesty, in recognition of the many services which he had performed in the interests of the kingdom. He accuses Samano of arousing discord and creating scandal in the *cabildo*, and he requests the *regidores* to defend him in the stand which he has taken, inasmuch as he has the right to remain in his position as city councilman until the king shall provide otherwise.

The *alcalde ordinario* and the *regidores* request the two participants in the dispute to leave the meeting for the time being in order that the matter may be freely discussed and voted upon. Proaño and Samano depart immediately. The business of the meeting proceeds and, instead of voting secretly, each *regidor* expresses himself orally and uses his influence to justify his opinions. The *alcalde ordinario* does not vote; neither does he express his views. He is merely a listener to the discussion which is carried on exclusively by the five *regidores* present. Doctor Hojeda opens the controversy. He says his opinion is that the royal provision submitted by Proaño should be referred to a lawyer in order that it may be determined with certainty whether Proaño's right to vote in the *cabildo* is a passive accompaniment of the office of *alguacil mayor*, or whether it is a privilege purely personal in its character. Francisco de Santa Cruz has no scruples about casting his vote in favor of Proaño. He argues that Proaño has been received as a voter in the *cabildo* in consequence of the express command of his Majesty, as is evidenced by the royal *cédula* which the defendant has presented. Santa Cruz holds that, until the king provides otherwise, the city magistrates should defend Proaño in the possession of his office. Gonzalo agrees with the *regidor* who has spoken immediately before him. He is very positive in his conviction that the *residencia* does not deprive Proaño of his vote in the *cabildo* despite the fact that it suspends him from the position of *alguacil mayor*. Ruiz, like Santa Cruz, considers Proaño's conciliar office to be a specific

gift of the king who has the sole right to take away that which he has given. Circumstances begin to appear favorable for Proaño, for no one of the speakers has taken a definite stand against him, and two have openly expressed opinions in behalf of his interests.

Cristóbal de Barrios and Francisco Flores have no desire to violate in any way the command of the king, and in order that his Majesty's intentions may be thoroughly understood, they cast their votes in favor of having the city clerk submit the *cédula* to a lawyer for the purpose of obtaining the opinion of an expert upon the pending situation. Further discussion results in the conclusion that the royal *audiencia* of New Spain would deliver a just and correct decision, and, in view of this fact, they agree to remit the entire discussion to the president and *oidores* of the royal court with the hope that they will bring the difficulty to a satisfactory termination. When the voting has come to a close and the discussion has been temporarily completed, Proaño and Samano re-enter the council for the purpose of affixing their signatures to the account which the clerk has written of the proceedings. All of the city magistrates who are present sign their names to the minutes regardless of the fact whether or not they have a vote in matters that are concerned with the routine of city administration.⁵⁷

Although we are not primarily interested in the vicissitudes of the career of Diego Hernandez Proaño, it is only human nature to be curious to know whether or not he succeeded in maintaining his seat and vote in the *cabildo*. After a month of delay the verdict was rendered that, inasmuch as Proaño had been given his power by the express command of royal authority, he was privileged to continue in his conciliar position until the king should will otherwise.⁵⁸

Reference has been made to the *escribano* (clerk) of the *cabildo*, but nothing has been said heretofore of the manner in which this rather important official was selected. However, it does not surprise us greatly to learn that he was appointed by the king, for one of the characteristics of which we are continually conscious in the municipal administration of New Spain is the large number of local officials who received their positions from the direct

⁵⁷Actas de cabildo, II., 79-80.

⁵⁸Ibid., II., 89.

grant of the sovereign. All *escribanos* who inhabited New Spain did not officiate in conciliar positions. They served in the additional capacity of notaries public, and Mexico City alone counted several of them among its citizens.⁵⁰ As early as 1512, King Ferdinand V. commanded that no *escribanos* could exercise the duties of their office in the Indies without the special permission of the crown, and the order was reiterated in 1555 by the Emperor Charles V.⁵¹

It became incumbent upon the *cabildo* to receive the *escribanos* appointed by the king, but since municipal authorities were invariably subservient to the royal will, this privilege effected nothing more than a mere formality of procedure.⁵² The minutes of Mexico City indicate that notary publics were very much in demand during the early history of the municipality, for in 1526 the lieutenants of Cortés appointed Hernand Pérez, *escribano* of was suffering imprisonment for some misdemeanor he had committed, to take the place of a notary public who, at the time, was suffering imprisonment for some misdemeanor he had committed. The lieutenants requested the *regidores* and *alcaldes* to accept Pérez in view of the growing demand in the city for *escribanos*.⁵³

The office of clerk of the *cabildo* was not renovated periodically. We have record of the fact that Pedro de Castillo held office from 1524 to 1527, when he was automatically discharged from his position in consequence of the *residencia* established under the supervision of Ponce de León.⁵⁴ Alonso de Lucas officiated in the position of city clerk until Pedro de Castillo was again installed in office in October, 1529, by virtue of an ordinance issued by the *audiencia*.⁵⁵ The city clerk, unlike the other magistrates who sat in the *cabildo*, received for his services some remuneration which was paid out of the treasury of Mexico City. In 1524 the municipal administrators ordered that the *escribano* of the *cabildo* should receive a salary of eighty *pesos* a year.⁵⁶ In 1526 the amount was increased to one hundred *pesos*.⁵⁷

In the preceding pages an investigation has been made of the character of the positions belonging to the officials who sat

⁵⁰ *Actas de cabildo*, I., II., *passim*.

⁵¹ *Recopilación*, lib. 5, tit. 8, ley 2.

⁵² *Actas de cabildo*, I., II., *passim*.

⁵³ *Ibid.*, I., 17.

⁵⁴ *Ibid.*, I., 77.

⁵⁵ *Actas de cabildo*, I., 11-142.

⁵⁶ *Ibid.*, I., 142, *passim*; II., 18.

⁵⁷ *Ibid.*, I., 94.

in the *cabildo* of Mexico City. It is interesting to note that when the clerk recorded the minutes of the meetings conducted by the municipal council, he mentioned the names of the members present in an order which corresponded with the dignity of the official positions held by the magistrates.⁶⁷ By way of illustration, citation may be made from the municipal minutes recorded by Pedro de Castillo. The minutes referred to are dated February 1, 1525, and read as follows:

This day there are gathered together in *cabildo* and *ayuntamiento* the deputies of the governor, the *alcaldes*, Francisco Dávila and Leonel Cervantes, and the *regidores*, Gutierre de Soto Mayor, Rodrigo de Paz, Antonio de Carvajal, and Juan de la Torre, assembled in my presence for the purpose of discussing and understanding the interests of his Majesty and the common good of this city, its citizens, and inhabitants.⁶⁸

In addition to the officials previously mentioned, there were a number of minor officers who were essential to the routine administration of the city, although they did not enjoy immediate participation in the regular meetings of the council. Among the latter group figured the *mayordomo* or city steward, whose duty it was to collect the municipal taxes, to issue receipts for their payment, and to keep a detailed and correct account of municipal finance. At various intervals the account was laid before the *cabildo* in order that it might be approved by the city administration.⁶⁹ The *mayordomo* not only took charge of the collection of taxes but, from time to time, he was specifically commissioned by the municipal magistrates to make purchases for the *cabildo*. For instance, on one occasion the *mayordomo* was instructed to buy a small bell for the council, while at another he was commanded to buy several small articles, the cost of which he should record until the amount reached thirty or forty *pesos*, whereupon he should come to the *cabildo* for an order of payment.⁷⁰ The office of *mayordomo* was renovated annually.⁷¹

The *cabildo* employed the services of a *portero* or door-keeper who had not only the duty of guarding the entrance to the city council, but also investigated the delinquencies of *regi-*

⁶⁷ *Actas de cabildo*, I., II., *passim*.

⁶⁸ *Ibid.*, I., 28.

⁶⁹ *Ibid.*, II., 152, 166, 178.

⁷⁰ *Actas de cabildo*, II., 57, 178.

⁷¹ *Ibid.*, I., 27, 69, 113, 157, 194; II., 52, 78, 178.

dores when they persisted in absenting themselves from meetings of the *cabildo*." The doorkeeper received a meager salary for his services which, in 1530 and 1531, amounted to twenty gold pesos a year. The remuneration was not paid in a lump sum, but was issued in three payments." A municipal official who, indeed, had adequate opportunity to exercise the power of his vocal organs was the *pregonero* or town crier. He was kept busy proclaiming in public the many ordinances and proclamations issued to the people by the administration." It was not an uncommon occurrence to combine the position of *pregonero* and *portero* under the authority of one person, and this would lead us to believe that the duties incumbent upon each office were not exceedingly strenuous."

Mention must not fail to be made of the *alférez* or herald of the city, whose privilege it was to carry the municipal banner when the town marched in procession. Although the position did not carry with it any great amount of authority, nevertheless, it was a conspicuous office and was regarded as an indication of deserved honor. The honor was usually conferred upon a *regidor* who had distinguished himself in the services of the king." Much care was devoted to the preparation for the festivities indulged in upon the day of San Hipólito. The legislation passed by the *regidores* upon one such occasion affords some insight into the official duties of the *alférez*. The city magistrates ordered that on the evening preceding the feast day the municipal banner should be taken from the city hall and, in company with all of the people who could assist on horseback, be carried to the church of San Hipólito where all should say vespers. After evening services, the procession was commanded to conduct the banner to the town hall and return again with it to the church. It was stipulated that this second trip should be followed by high mass. The final step provided for the ceremony was the return of the banner to its usual place in the town hall."

The city administration maintained in its employ a number of minor officials who deserve to have the duties of their offices enumerated, but who did not wield sufficient authority to entitle

¹²*Ibid.*, I., 17; II., 123.

¹³*Ibid.*, II., 67, 107.

¹⁴*Ibid.*, I., II., *passim*.

¹⁵*Actas de cabildo*, I., 113; II., 65, 67.

¹⁶*Ibid.*, II., 9, 61, 122, 189.

¹⁷*Actas de cabildo*, II., 8-9.

them to an exhaustive history of their positions. The *fieles* or inspectors of weights and measures were required to tour the municipality and carefully investigate all weights and measures in order to prevent any fraud and injustice which might be incurred through the use of false standards.⁷⁹ These inspectors were expected to pursue their duties with much diligence and solicitude for the public welfare, and whenever it was found that such an officer did not exercise sufficient care, he was immediately discharged.⁸⁰

The *alarife* corresponds to the officer whom we term, in our municipal machinery, the city surveyor. He was charged with the duty of surveying all house lots (*solares*) and kitchen-gardens (*huertas*). There was a definite and fixed standard of measurements for such plots of land.⁸¹

The *alguacil del campo* was a deputy sheriff who was intrusted with guarding the exits of the city and the outlying fields. He was required to exercise particular care in the supervision of water which was taken from the Chapultepeque river for purposes of irrigation.⁸²

It was customary for the city to appoint inspectors for certain trades that were carried on within the municipality. In Mexico City there were two officials called *alcaldes de los sastres* who served as judges for the tailors and inspected all tailored goods.⁸³ In May, 1532, the silversmiths of the city requested the *cabildo* to name an inspector of all articles wrought in silver and gold in order that such articles might conform with the ordinances made by the city administrators. The result of the petition was the appointment of an *alcalde de plateros*.⁸⁴ In June, 1629, the city councilmen ordered that there be in the city two judges or *alcaldes* of the *mesta* in order that twice a year there could be an assembly of all the shepherds and cattle owners who possessed flocks and herds. The purpose of the assembly was to further the conformity of stock raisers to the laws and ordinances issued by the city. It was provided that the two *alcaldes* should

⁷⁹*Ibid.*, I., 23.

⁸⁰*Ibid.*, I., 40. It became the practice to select *fieles* from among the *regidores* (Priestley, *José de Gálvez*, 297).

⁸¹*Actas de cabildo*, II., 45, 170.

⁸²*Actas de cabildo*, II., 28, 66, 98, 139.

⁸³*Ibid.*, II., 4, 53, 169.

⁸⁴*Ibid.*, II., 180.

be chosen every year and should be the two oldest *regidores* sitting in the *cabildo*.⁶⁴

No investigation of the municipal officials of Mexico City would be complete without mention of the *procuradores* of New Spain who went to the *Cortes* of Castile for the purpose of representing the interests of the citizens resident in one of Spain's most important colonial possessions. The method by which the crown exerted control over the organs of municipal government in the New World has been discussed. That control was complete; it embraced all branches of municipal administration. However, the autocracy of the situation was made less unbearable by the fact that the most important local entities in the province possessed the right to send representatives to Spain, who appeared before the king and solicited for the interests of their compatriots. The electoral procedure by which the *procuradores* were selected was quite complicated. The *alcaldes* and *regidores* of Mexico City chose a *procurador* who met in company with similar representatives from the other towns before the governor of New Spain for the purpose of electing *procuradores* to go across the water.⁶⁵ The *procuradores* who journeyed to Spain in behalf of *cabildos* of the towns which were represented, and those of Mexico City afford a means of discovering many of the petty aggravations and aspirations which beset the city administration.⁶⁶ For instance, in 1533 the instructions given to the *procuradores* contain their fellowmen in the New World carried with them full in before his Majesty. These instructions were drawn up by the instructions concerning the solicitations which they were to make tained petitions to the king asking him that he present the *cabildo* with the right to give to citizens lands for gardens and orchards, inasmuch as the municipal *cabildos* of Castile possessed this privilege; that he permit *regidores* to renounce their life offices in favor of a son, brother, or other relative; that he grant to the *regidores* of the city a salary; that he make a gift to the city of public lands in consideration of the great need which was felt for them; that, when the general *repartimientos* of the Indians should take place, he permit *regidores* to be a shown preference in consequence of the preeminence of their positions in the municipality.⁶⁷ Such requests are characterized more by the sel-

⁶⁴*Actas de cabildo*, II., 3.

⁶⁵*Actas de cabildo*, I., 14; III., 29-31.

⁶⁶*Ibid.*, I., 13; II., 8.

⁶⁷*Ibid.*, II., 30-31.

fishness displayed on the part of the municipal officials than by the interest shown in the public weal.

The relations existing between the *procuradores* and the local officials from whom they derived their authority were not always peaceful. In the latter part of the year 1531 there took place a very heated argument between the two representatives who had been elected to the *Cortes* and the magistrates of Mexico City. The city administration claimed that Bernaldino Vásquez de Tapia and Antonio de Carbajal, who had been sent to Spain in the name of Mexico City and the towns of New Spain, had wasted much time in their negotiations with the king with the result that the delay had occasioned much mischief. The municipal officials commanded Tapia and Carbajal to appear before the *cabildo* and give an account of the negotiations which they had transacted. The provision was made that, in case the two *procuradores* could not be present in person, they should send the dispatches which were in their possession. The *alcaldes* of the city went to the house of Tapia and demanded that he declare whether or not he had the dispatches. Tapia said that the greater part of them were in the city, but that both he and Carbajal had represented New Spain in the *Cortes* of Castile and had negotiated its business, and that consequently they would both appear in the *cabildo* to justify the dispatches as soon as Carbajal returned from Vera Cruz. Tapia argued that he and Carbajal had spent much and had worked hard in the interests of the city, and that the city had not remunerated them as had been promised. He refused to give any information concerning the dispatches until the salary had been paid. The city officials ordered the arrest of Tapia and Carbajal in case they persisted in their refusal to deliver up the dispatches. Tapia appealed the case to the *audiencia* whose president and *oidores* demanded that the dispatches be turned over to the *cabildo* and the *procuradores* paid their salary." The attitude of the *cabildo* would lead one to believe that the magistrates of Mexico City were attempting to trump up some far-fetched charge against Tapia and Carbajal in order to avoid paying the remuneration which was due them.

A curious innovation in the manner of electing *procuradores* was effected in 1531. On June 23rd of that year the town crier proclaimed to the people that all who wished to participate in the election of *procuradores* to the *Cortes* of Castile should unite

²²Actas de cabildo. II., 132-134.

with the *cabildo* the following Monday for the purpose of expressing their opinions and casting their votes. On the day named there gathered together in the town hall a great multitude of people, and the president of the *audiencia* exhorted them to put aside personal prejudices and act in the interests of the king and for the good of the land. The people designated three men whom they considered qualified to represent them in Castile, and from among the three the city council selected one.⁸⁰ At first glance it would appear that Mexico City had made a marked advance in democratic government, but when the fact is considered that the people had no voice in formulating the instructions given to the *procuradores*, the conclusion follows that popular influence exercised in the election tended to be rendered valueless.

In 1541 Mexico City sent a representative to Spain for the last time.⁸¹ Subsequent municipal records contain no mention of *procuradores* destined to plead before the sovereign for the interests of New Spain.

The *cabildo* of Mexico City, during the decade of its existence between the years 1524 and 1534, usually met about once a week, although instances occurred in which it met three times within the same week, and two meetings a week were not infrequent. On many occasions a period of two weeks elapsed between meetings. The favored days for meeting seem to have been Monday and Friday, but there was no fast rule which made any such regulation compulsory, for the practice was frequently violated. Elections of the members of the *cabildo* invariably took place upon the first day of January of every year. No exception to the rule was permitted when the first of January happened to fall upon Sunday.⁸²

Within the course of the present chapter a somewhat detailed account has been afforded of the formation and procedure of the municipal organization that concentrated its attention upon the affairs of Mexico City. The query now arises as to whether or not the *cabildo* under investigation exerted any vital control over the inhabitants of the capital, and the following pages justify themselves in that they attempt to delineate at least a few of the relations that existed between the *cabildo* of the municipality and the people who dwelt within the city limits.

⁸⁰ *Actas de cabildo*, II., 110-11.

⁸¹ *Ibid.*, III., 238.

⁸² *Actas de cabildo*, I., II., *passim*.

CHAPTER IV.

Relations between the Cabildo and the Inhabitants of Mexico City.

The municipal administration of Mexico City was arranged in all of its details by the legislation of the king, who effected his plans for the New World through his very Royal and Supreme Council of the Indies. The real test of the power exercised by that municipal administration which was carefully provided by the crown may be found in the effectiveness with which the local officials of the city exercised control over the inhabitants who lived within the municipal limits. An investigator, then, who is attempting to portray local conditions in Mexico City during the early part of the sixteenth century, must needs bring to light the manner in which the municipal council coped with the actual situations that existed among the people of the locality.

One of the most important of the interests that confronted a municipal organization in any of the Spanish settlements was the disposal and utilization of land.¹ From the beginning of the conquest the Spanish theory concerning land embodied the idea that the original title to all land in the colonies belonged to the crown. Land was not regarded as a national possession.² In theory, at least, the crown conferred upon every municipality a grant of land four leagues square, regardless of whether the town were founded under the auspices of a conqueror or the direction of a group of associates. It follows, of course, that geographical location and other physical features modified the actual amount of land included in the grants to individual towns. The primary purpose of the subdivision (*repartimiento*) of each grant was to provide the municipality with suitable grazing and arable lands. In all Spanish colonies the usual European custom was followed of distinguishing between land used for residence purposes, and that employed for other motives. In the center of the settlement were located the house lots (*solares*), which were surrounded by a strip of commons called the *ejidos*. The grazing grounds (*dehesas y tierras de pasto*) and the municipal grounds (*propios*) lay beyond these. The *propios* were leased by the city under a system of perpetual leasehold payment, and thereby furnished a means of obtaining revenue. It often happened that there were

¹Priestley, *Spanish Colonial Municipalities*, 406.

²Priestley, *José de Gálvez*, 318.

no areas designated for *propios*, and, when this was the case, the town was unfortunate in that it was deprived of a principal source of municipal revenue. In addition to the lands mentioned, one-fourth of the remainder of the grant was given to the leader of the conquering expedition, and the land that then remained undivided was apportioned among the other settlers by *peonías* and *caballerías*, which were allotments for footsoldiers and horsemen.²

The *repartimiento* of colonial lands became a subject to which Spanish kings devoted particular attention, and much of the legislation which they enacted pertaining thereto falls within the period of our investigation. It may be reiterated that such legislation was general and, inasmuch as it embraced all of the Spanish possessions in the New World, was applicable to Mexico City. In August of 1513 King Ferdinand issued an ordinance by means of which he sought to provide for the comfort and convenience of those who were desirous of participating in the discovery and settlement of the New World. Provision was made for the granting of house lots, pasture lands, and allotments for horsemen and footsoldiers. The governor of the territory was ordered to classify his men according to the services which they had rendered in the subjugation of the land in order that preference might be shown to those of highest rank. Thus, distinction was made between shield bearers and common footsoldiers, *regidores* were given the priority of choice, and those of lesser merit came still lower in the scale of rank.³ After a settler had made his home upon a particular piece of land, after he had cultivated it and had lived within the city for four years, the property was given to him as a personal possession which he might sell or alienate as he saw fit.⁴

In order that no difficulty might arise concerning the size of the apportionment of land given to the footsoldiers and horsemen, King Ferdinand provided that a *peonía* should include a *solar* fifty feet wide and one hundred feet long; one hundred *fanegas* of farm land which were to be planted to wheat or barley, and ten *fanegas* upon which was to be raised corn.⁵ In addition,

²Priestley, *Spanish Colonial Municipalities*, 406-407.

³*Recopilación*, lib. 4, tit. 12, *leyes* 1 and 5. This title contains Ferdinand's ordinance.

⁴*Ibid.*, lib. 4, tit. 12, *ley* 1.

⁵A *fanega* of arable land was four hundred fathoms square, and in case the land was to be utilized for grazing purposes, a *fanega* was five hundred fathoms square.

a *peonía* included two *huebras* of land for a *huerta* or garden, and eight *huebras* for plants that grow in arid soil.⁷ Sufficient pasture land was included in a *peonía* upon which to maintain ten pigs, twenty cows, five horses, one hundred sheep, and twenty goats. A *caballería* was comprised of a house lot one hundred feet by two hundred feet, and of farming and grazing ground five times as great as that included in a *peonía*.⁸ Not more than five *peonías* nor three *caballerías* could be given to one person.⁹

Those who accepted a concession of a *peonía* or *caballería* were obliged to build a dwelling upon the *solar*, to live in the dwelling, to cultivate the farm lands, and to pasture live stock upon the grazing grounds. Unless the *pobladores* or settlers complied with these obligations, they suffered the loss of their *repartimiento* of land.¹⁰

Royal legislation provided that the public square or *plaza*, from which radiated the settlement of a town, should be situated in the center of the inland municipalities, and should be in the shape of a rectangle at least one and a half times as long as it was wide. The size of the *plaza* was proportioned according to the number of citizens, with consideration also for the number of native inhabitants and the prospects which the municipality had for future growth. It was stipulated, however, that any *plaza* could not be smaller than two hundred feet wide and three hundred feet long, nor larger than five hundred and thirty-two feet wide and eight hundred feet long. It was suggested that a convenient size was four hundred feet wide and six hundred feet long.¹¹ It was ordered that small *plazas* should be set aside at intervals upon which were to be erected the churches and monasteries which were necessary for the preaching of the Catholic faith. Provision was also made for the municipal public buildings, which included a city hall, a custom house, an arsenal, a hospital for the poor and infirm who did not have contagious ailments, and another hospital for those unfortunates who were afflicted with contagious diseases.¹² The construction of the municipal buildings of Mexico City was begun immediately after the founding of the municipality by the Spaniards.¹³

⁷A *huebra* was an extent of ground which a yoke of oxen could plow in one day.

⁸*Recopilación*, lib. 4, tit. 12, ley 1.

⁹*Documentos inéditos de Indias*, VIII, 519 (*Ordenanza de pobladores*, 1563).

¹⁰*Ibid.*, VIII, 520.

¹¹*Documentos inéditos de Indias*, VIII, 523.

¹²*Ibid.*, VIII, 524-525.

¹³Alamán, *Disertaciones históricas*, II, 227.

The desire of the crown to protect the Indians was manifested when the king ordered that the native inhabitants should be allowed to retain enough of their farm lands and pasture grounds to furnish them and their families with the necessities of life.¹⁴

The officials who had charge of the *repartimiento* of the subjugated territory were commissioned to divide the lands without excess among the early discoverers, settlers, and their descendants who intended to dwell permanently in the province, and to forbid any landholder to sell his land to the church, to a monastery or to a clergyman. Any person who violated this provision was subjected to the loss of his land and the right to acquire other estates.¹⁵

In 1523 the Spanish sovereign gave the viceroys and governors the power to set aside *propios* for each village and town which they should establish.¹⁶ It was stipulated that all public works which were built at the expense of the *concejos* (towns) should be constructed in a manner to insure stability and durability. The local administrators were warned against erecting a superfluous number of public works, and were cautioned to place faithful and diligent superintendents in charge of those which were constructed.¹⁷

Inasmuch as a brief delineation has been given of the character of the general legislation which had bearing upon the territorial subdivision of the land of Mexico City during the first decade of the history of the city, let us turn our attention upon the immediate problem that confronted those who formulated the plan for the construction of the municipality under discussion. The plan conceived for the capital of New Spain permitted that city to include within its limits all of the territory inclosed in the square which was bounded on the east by Santísima street, on the south by San Gerónimo street, on the north by Santo Domingo street, and on the west by Santa Isabel street. All of the territory which lay beyond these limits was devoted to Indian wards or habitations, and these suburbs had their greatest amplitude in the districts which were located at the north and east of the city proper.¹⁸

¹⁴*Recopilación*, lib. 4, tit. 12, ley 5.

¹⁵*Ibid.*, lib. 4, tit. 12, ley 6.

¹⁶*Ibid.*, lib. 4, tit. 13, ley 1.

¹⁷*Ibid.*, lib. 4, tit. 16, ley 4.

¹⁸Alamán, *Disertaciones históricas*, II., 198.

As has been indicated before, the *solar* or house lot became the basis upon which the land of the municipality was subdivided. Every individual who wished to be a citizen of the town was given one *solar*, and two were granted to those who had been its *conquistadores*. Because of the lack of sufficient data, it is impossible to determine the exact dimensions of the house lots, but it is known that concessions were granted upon the condition that within a certain length of time the owner had to build a house upon his lot or suffer the alternative of relinquishing his claim.¹⁹ In 1536 this time limit was officially set at three months.²⁰ The fact that property owners did not always comply with this ordinance resulted in no small amount of trouble for the city administration. An instance wherein such difficulty is exemplified occurred in 1524. On July 29 of that year the members of the *cabildo* complained that several of the citizens who possessed house lots had not conformed with the command that they fence these lots within five months from the time they received them, and, consequently, it was the right of the administration to retract the privilege of these citizens to hold property. The local officials claimed that such laxity of action was not in conformity with the responsibilities incumbent upon good citizens because the lots might have been given to people who would have inclosed them and built upon them.²¹ The distribution of *solares* became, then, the ordinary accomplishment of the municipal councils of New Spain, whose officials conceded *solares* to those who asked for them, provided the petitioners had complied with the qualifications necessary for land ownership. The *ayuntamiento* of Mexico City began conferring land grants while it was holding its sessions in Coyoacan where it was first established. Since at first there were no books wherein were registered the acts of the *cabildo*, they were recorded upon loose papers in memorandum form. The difficulties that were occasioned by such a lax method of keeping municipal records are manifested by an instance which occurred in 1527. On December 20th of that year Francisco de las Casas appeared before the *cabildo* and claimed that four years previous he had been officially recognized as a citizen of Mexico City, but no admittance to citizenship was available because it had not been duly registered in the municipal book of

¹⁹Alamán, *Disertaciones históricas*, II., 198.

²⁰*Recopilación*, lib. 4, tit. 12, ley 11.

²¹*Actas de cabildo*, I., 15-16.

records. Consequently, Las Casas requested the *regidores* to recognize him as a citizen of four years standing, and to give him a title to his *solar* and *huerta*. His petition was granted.²²

Some of the concessions of *solares* in Mexico City exceeded the limits that were included in the original plan for the municipality and, inasmuch as the administration desired to confine the Spanish population within these limits, the officials of the *cabildo* of 1528 revoked the land titles that permitted some citizens to hold house lots outside of the boundaries designated for the city. Those who lost their property were instructed to petition for other lots which lay within the limits.²³

A *cédula* sent by Charles V. from Burgos in 1527 set aside six *solares* in Mexico City to be used for public buildings. Two of these *solares* were to be occupied by a town hall, jail, and meat market, while the remainder were to be utilized for *propios*. Because these latter lots had not been built upon at the time when Alonso de Estrada and Rodrigo de Albornoz assumed control of the government, they took for themselves the *solares* which they wanted and gave the others to whomsoever they desired. Bernadino Vázquez de Tapia, *regidor* and attorney for Mexico City, obtained the *cédula* cited, presented it before the *audiencia*, and requested that the *solares* which had been stolen from the *ayuntamiento* be returned to it.²⁴ The *audiencia* became the arbitrator of many of the difficulties which arose over land concessions in Mexico City. In addition to the above instance, a case may be cited wherein the *audiencia* was called upon to settle a dispute that arose between some of the citizens of the municipality and the clergy. On July 14, 1531, several of the citizens appeared in the *cabildo* and complained that they had been informed that the city administration intended to close a section of one of the city streets for the purpose of providing a site for a monastery. They argued that such action would result in great inconvenience for the inhabitants of the locality, and they requested that the municipal officials refrain from an act which would entail such injustice since the road had been a royal highway from the beginning of the history of the city as a Spanish possession. The members of the *cabildo* denied having any intention of confiscating any part of the street, but it seemed the command to close

²²*Actas de cabildo*, I., 154; Cf. Alamán, *Disertaciones históricas*, II., 200, 279.

²³*Actas de cabildo*, I., 175. Cf. Alamán, *Disertaciones históricas*, II., 201.

²⁴Alamán, *Disertaciones históricas*, II., 227.

the street had been issued by the archbishop. Consequently, the citizens appealed to the *cabildo* to annul the ordinance of the clergyman, and the *regidores* were unanimously in sympathy with the townspeople. However, they did not consider themselves competent to determine the validity of the archbishop's order, and it followed that they commissioned the *alcaldes ordinarios* to present the situation before the members of the *audiencia* and seek their advice. The *alcaldes* complied with the commission with the result that the president and *oidores* of the *audiencia* promised to make an investigation. In the meantime, however, the street was closed and work was commenced in preparation for the construction of the monastery. Immediate action was necessary. The two *alcaldes ordinarios* and the *escribano* of the city were ordered to go to the archbishop and ascertain the source of the authority upon which he based his order. In case he had been conceded the right by the *audiencia*, he was to be permitted to continue the new work. Otherwise, the work which was in progress was forbidden.²² The conclusion may be drawn from the above discussion that whenever a law suit arose over the question of the subdivision of land, the *audiencia* possessed supreme authority in New Spain.

An investigation of the municipal records of Mexico City brings to light the fact that the bulk of the business which came before the municipal council dealt with the subdivision of the land. It was the duty of the *cabildo* to confer the privilege of being a citizen of Mexico City upon all men who petitioned to be admitted to citizenship provided, of course, that they possessed the necessary qualifications. The records abound with accounts similar to the following:

Today, Diego Hernandez Lazo, by means of a petition which he presented, asked the city magistrates to receive him as a citizen of the city and to permit him to register as such in the book of the *cabildo*. When the city had seen the petition they said that they accepted it and received him as a citizen, and, as such, he could enjoy the privileges and liberties which the other citizens were permitted to enjoy. They gave him the right to petition for a *solar* wherever he should wish, and promised to give him a title to it.²³

²²*Actas de cabildo*, II., 116-117, 119-122.

²³*Actas de cabildo*, I., 51.

Any man who wished to become a citizen always signified his desire by petitioning the *cabildo* to admit him to citizenship. In fact, the petition constituted the instrument, through which individuals made known to the city magistrates their desires, ambitions, and complaints.²⁷ It was customary for citizens who petitioned for house lots and other plots of land to designate the place where they wished to have their grant by signifying the street upon which they desired it should face, and the names of the landowners whose property bordered upon it. In so far as it was possible, the *cabildo* attempted to subdivide the land in a manner that was satisfactory to the citizens concerned.²⁸

Apparently, the city magistrates attempted to prevent the accumulation of property within the hands of a few. In 1525 a complaint was raised in a meeting of the *cabildo* that two prominent citizens of the municipality had enough land for thirty *huertas*. Since there was a demand for *huertas* and a need for land, the councilmen ordered that the *huertas* of these citizens be made to conform in size to the other *huertas* of the town, and that the remainder of the land should be subdivided into ordinary plots. Because one of the men had commenced to build upon his property, they gave him the right to select four *huertas* from his land. A few weeks later, however, the question again came before the meeting, and some of the members of the *cabildo* claimed that such a privilege was unfair to many *vecinos* and *conquistadores* who also had a right to be provided with land. The result was that the man who had enjoyed a monopoly of much of the land of Mexico City was permitted to retain only one *huerta*.²⁹

Not only did the city administrators possess the right to subdivide the land, but also it was within their power to grant permission to landowners to irrigate their *huertas*. The ordinary requirements with which the citizens were requested to comply were that all irrigating should take place during the hours between three hours after nightfall and three hours before dawn.³⁰

Mexico City did not possess an over supply of *exidos* or commons, for on March 20, 1528, it was agreed in a meeting of the *ayuntamiento* that, inasmuch as the city was founded upon a lake, it did not have much opportunity to have the communal

²⁷*Ibid.*, I., II., *passim*.

²⁸*Ibid.*, I., II., *passim*.

²⁹*Actas de cabildo*, I., 33-34.

³⁰*Actas de cabildo*, I., 5, 27.

lands necessary for rearing the cattle and beasts of burden needed by the city. In spite of the fact, some of the land included in the *exidos* had been subdivided into *huertas* and distributed among the people. The *cabildo* of 1528 claimed that such action was opposed to the interest of the common good, and ordered that those who possessed such *huertas* should not inclose them or plant seed upon them. Those who had already inclosed them were commanded to tear down the fences, and those who had planted seed were given one and a half months in which to care for and enjoy their garden stuff. The city promised to give other lands to the citizens inconvenienced by this ordinance.³¹ In 1533 there was further manifestation of the need for commons, for in that year the city sent a petition to the king asking him to supply them with commons since there was a very great need for them.³²

The term *propios* was applied both to the municipal estates and to the revenues which were derived from these municipal estates.³³ The city built stores and shops upon its land and appropriated the funds obtained from the rent of the buildings for the construction of public works.³⁴ In 1529 the *procuradores* going to the Cortes of the kingdom were instructed to tell the king that the city was very poor and needy and did not have a sufficient supply of *propios*. Since it was necessary for the city to build roads, bridges, and canals, the *procuradores* were commissioned to ask that the *pueblos* of Uchilobusco (Churubusco), Mixquique (Mixcoac), Cuitlanaca, Mexicalzingo, and Coluacan be given to the capital for *propios*, since these *pueblos* were in the region of the lake and had served the city before the conquest.³⁵

Mexico City was without any *propios* whatsoever until July, 1528, when the governor set aside land for such purposes as a result of a command of the king.³⁶

If the subdivision and distribution of land were the only factors which were taken into consideration, it would not be illogical to say that the city administration exercised vital control over the interests of the inhabitants of the municipality, for it goes without saying that land is an important item among the

³¹*Ibid.*, I., 163.

³²*Actas de cabildo*, III., 30.

³³Priestley, *José de Gálvez*, 300; *Spanish Colonial Municipalities*, 407.

³⁴*Actas de cabildo*, II., 14, 61.

³⁵*Ibid.*, II., 14.

³⁶*Ibid.*, I., 176.

possessions of individuals as well as nations. However, the contact between the municipal government and the citizens of Mexico City was further emphasized through the regulations which the local officials imposed concerning phases of ordinary town life. In order to protect the inhabitants of the locality against fraudulent schemers who preyed upon the people by charging excessive prices for their wares, the city administrators took it upon themselves to fix the rates which venders and merchants might exact for their goods. The first information which the municipal records afford of such regulations treats of an instance which occurred in 1524. The members of the *cabildo* received notice of the fact that the blacksmiths who worked within the city charged exorbitant prices for the articles which they made, and in order to put an end to the injustice which was thereby occasioned, the town council determined the rate at which such articles might be sold. An enumeration of a few of these rates is not without interest, for it illustrated the detailed manner in which the *cabildos* proceeded in the execution of their duties. The price which might be exacted for a key of any kind was fixed at six *tomines* of gold³⁷; for a trunk key, four *tomines* of gold; for a table knife, one *peso* and four *tomines*³⁸; for the blade of a poniard, four *tomines*; for a dozen nails, four *tomines* of gold, and provided the iron was furnished by the purchaser, three *tomines*; for one dozen door nails, six *tomines*, and in case the iron was furnished, five *tomines*; for four pair of hinges, four *tomines*, and the iron being furnished, three *tomines*; for a large door knocker, one and one-half *pesos*; iron furnished, one *peso* and one *tomin*; the price for a small door knocker was half of that of a large one; for a latch key, hinges, and four nails, three *pesos* and four *tomines*; for a large bolt, one and one-half *pesos*; iron furnished, one *peso* and one *tomin*; for making a pike or long lance, two *pesos*; iron furnished, one and one-half *pesos*; for a carpenter's adze, two *pesos*; iron furnished, one and one-half *pesos*; for a hand chisel one *peso*; for four horseshoes, one *peso* and one *tomin*; for one hundred horseshoe nails, one and one-half *pesos*; iron furnished, one *peso* and one *tomin*; for a kitchen lamp, one *peso*; for an iron ladle, one *peso*; for a fire shovel, one *peso* and four *tomines*; for a French saw, seven and one-half *pesos*; iron furnished, six *pesos*; for smaller saws, two *pesos*; for

³⁷A *tomin* was worth one *real* or five *centavos*.

³⁸A *peso* was a Spanish dollar.

a gardener's hoe, four *tomines*; iron furnished, three *tomines*; for a carpenter's hammer, one *peso*; for pincers, two *pesos*; iron furnished, one and one-half *pesos*; for a large hammer used by a blacksmith, three and one-half *pesos*; iron furnished, three *pesos*; for a curry-comb, one and one-half *pesos*; for pivots and jambs for doors, two and one-half *pesos*; for a pair of scissors, one gold ducat.³⁹

The officials of the *cabildo* commanded the blacksmiths to heed the above regulations and to post a list of the prices in their stores in order that all might see. Anyone who violated the ordinances was subject to a fine of a gold mark, one-half of which should go to the royal treasury and the other half to the judge and the accuser.⁴⁰ In like manner, the rates which were charged silversmiths, farriers, and leather dealers were controlled by the government.⁴¹

Regulations, which were perhaps more pertinent to the daily lives of the people, were those which determined the price of food stuffs. The manner in which the sale of meat was regulated is particularly interesting because it differed from the way in which other markets were controlled. The method was novel in that public competition determined the rate. Each year breeders and drovers were given from New Year's day to Ash Wednesday within which to formulate the terms at which they would supply buyers with meat. The contract was given to the lowest responsible bidder. Cattle owners were allowed three months out of the year during which they could slaughter their cattle and dispose of the meat. During the remainder of the year the contractor had the exclusive right to supply the city with meat, and he was under strict obligation to sell it at the stipulated price.⁴² The slaughtering of cattle was not permitted within the city limits, but public slaughter-houses, under the surveillance of an inspector, were established on the outskirts of the municipality.⁴³ In order to secure protection and amenability, all cattle owners were required to brand their cattle and to register the distinctive marks of ownership with the city notary.⁴⁴ An

³⁹*Actas de cabildo*, I, 4-5. A ducat was an ancient gold and silver coin. It is also a nominal coin worth eleven shillings and one *maravedi*.

⁴⁰*Ibid.*, I, 5.

⁴¹*Ibid.*, I, 109, 130, 142.

⁴²*Actas de cabildo*, I, 6, 57, 58, 80-81, 129, 164-165. Cf. Bancroft, *History of Mexico*, II, 142, note 33.

⁴³Bancroft, *History of Mexico*, II, 142, note 33.

⁴⁴*Actas de cabildo*, II, 196-210; Cf. Bancroft, *History of Mexico*, II, 142, note 33.

interesting regulation was made in 1528. The city butcher was required to sell beef, pork, and mutton from six o'clock until ten o'clock in the morning, and from two o'clock until five o'clock in the afternoon, under penalty of being fined two *pesos* each time he should fail to comply with the ordinance. It was demanded that all meat which was put on the market should be clean and healthy.⁴⁵

In order to protect the customs of the Catholic faith, it became necessary for the *cabildo* to discourage the practice of eating meat on Friday. It had been the common method of procedure for butchers to slaughter on Friday the meat which they intended to place upon the market the following Saturday, but the *cabildo* argued that such a practice tempted those to eat meat on Friday who were not inclined to adhere to the path of religious convention. Consequently, all butchering was prohibited on the fifth day of the week, thus showing how complete was the control with which municipal authority in Mexico City regulated even the minor details of mercantile enterprises.⁴⁶

The by-products which came from the meat were also sold by the town butcher. He was ordered to sell all excess fat which was left over from the pork at forty *maravedis* for every four pounds. He could not take it to his house for his own use nor melt it to sell.⁴⁷ It was also his privilege to sell tallow candles, but not at his own price. The rate was set at two *reales* a pound.⁴⁸ Apparently, however, candles were sold in other places besides the meat market, for in 1533 some of the citizens complained that the tallow candles were defective and did not burn. The *cabildo* sent out inspectors to examine the shops of the candle makers who were ordered to appear before the *cabildo* to receive judgment.⁴⁹

The baking and the sale of bread were subjects which attracted the interest of municipal authority, and it followed that detailed ordinances were formulated for the purpose of regulating bake shops. Bakers were instructed to provide the people with bread which was made of flour ground in a mill, and which was white, clean, well baked, and well seasoned, thus showing that the laws of sanitation were heeded in some degree at least. It was further stipulated that bread should be supplied within the

⁴⁵*Actas de cabildo*, I., 165.

⁴⁶*Ibid.*, III., 53.

⁴⁷*Actas de cabildo*, I., 195.

⁴⁸*Ibid.*, II., 173.

⁴⁹*Ibid.*, III., 43.

city by not less than three bake shops, and more were permissible. Each bake shop was required to be supplied with bread at all times, and a fine of six gold *pesos* was attached to each occasion that bread was found unavailable. Each shop was required to have a pair of scales in order that no customer would be cheated. Bread was sold by the pound and half pound, but the price varied from time to time. In 1529, for instance, the price of bread was raised from eight *maravedis* a pound to ten *maravedis* a pound because the bakers were not receiving sufficient profit to pay them to make bread, and it followed that the bread supply was inadequate.³⁰

The sale of fish, vegetables, and perishable provisions became the subject for many sanitary laws which regulated the time and place of sale and the price and quality of goods.³¹ Even the price of chickens and rabbits was determined by governmental officials. In 1525 the amount of money that might be exacted for a hen was set at four *reales*, while a rooster was valued at six *reales*. A rabbit's worth in gold was considered to be two *reales*.³²

Inn keepers had little opportunity to participate in profiteering, for they were allowed no scope within which to evaluate their services. All who owned taverns within the limits of the jurisdiction of the city were required by law to supply patrons with meat, bread and water for the small sum of one gold *tomin*, and if a customer desired wine he paid the same price at an inn as at any other place within the city. The cost of a night's lodging was fixed at one *real*.³³

Vera Cruz was the distributing commercial center for trade and, after duties had been paid at that port, the goods destined for Mexico City were transported by muleteers to the municipality where they were announced for sale by the public crier.³⁴ On April 15, 1524, the local officials ordered that no huckster or shopkeeper in the city could make purchases until the goods had been on the market for thirty days, but since this ordinance resulted in great inconvenience for the merchants and for the people who were leaving the locality and wished to dispose of their belongings, it was modified somewhat on November 4th of the

³⁰*Actas de cabildo*, I., 146-147, 207.

³¹Bancroft, *History of Mexico*, II., 142, note 33.

³²*Actas de cabildo*, I., 48.

³³*Actas de cabildo*, I., 171.

³⁴*Actas de cabildo*, I., 43; Cf. Bancroft, *History of Mexico*, II., 141.

same year. The latter ordinance forbade traders to buy the goods until they had been upon the market for ten days, with the exception that the time limit placed upon provisions of eating and drinking was only five days. After ten days had passed traders could make purchases at will, but until then no person was permitted to buy more than was needed for personal or domestic use.⁵⁵ Bancroft gives a somewhat general description of the public sales.

The sales took place at the two great markets of the city, one in the Spanish quarter and the other in the native, both of which were subjected to stringent regulations concerning methods of dealing, kind and quality of goods, and prices, all planned with admirable foresight. The manifold products of the soil and sea, of the manufacturer and artist, were displayed in the same profusion as during Montezuma's rule, though varied with novelties of Spanish origin. Even the production of these, however, was fast falling into the hands of native tillers and artisans who, with a keen faculty for imitation, watched the operations of the Spaniards and readily supplanted them with their cheaper labor.⁵⁶

Previous mention has been made of the fact that goods were transported from Vera Cruz to Mexico City by muleteers. The muleteers charged excessive prices for bringing the cargoes to the capital, and the immediate consequence was that the *cabildo* of Mexico City set a limit upon the charges that might be exacted for transportation.⁵⁷ Apparently, there were no restrictions upon the right of the local administration to regulate the trade and commerce of the municipality. Whenever a commercial situation arose that seemed to be in need of regulation, legislation which pointed toward a solution of the problem was immediately provided by the *cabildo*.

Not only did the city magistrates supervise the mercantile interests within Mexico City, but also, when occasion demanded, they made arrangements which prevented any inhabitant of the city from profiteering in territory which came within the authority of the municipality. For instance, in 1533 information reached the *cabildo* that many clever merchants of the municipality had gone to the mines which were under the jurisdiction of the city and had sold their wares at unreasonable prices which were

⁵⁵ *Actas de cabildo*, I., 8, 20-21; Cf. Bancroft, *History of Mexico*, II., 141.

⁵⁶ Bancroft, *History of Mexico*, II., 141-142.

⁵⁷ *Actas de cabildo*, I., 178.

not in conformity with the prices of the city. Since such conditions were unjust to the miners, the *cabildo* sent one of the *regidores* to reside in the mines and retail articles at moderate prices. People who brought merchandise from Castile could sell it, provided they showed a permit from the king.⁵⁰

Specific regulations prohibited individuals from taking certain articles out of Mexico City without the consent of the *cabildo*. For instance, in 1530 it was ordered that no person could take wheat or flour from the capital to parts that lay beyond the city limits without a license from the *cabildo*, the penalty for violation being loss of the flour or wheat together with the beasts which were used to transport it.⁵¹ A similar regulation was made applicable to wine in 1533.⁵² Even citizens themselves were required to have an official license before departing from the municipality.⁵³ There was considerable difficulty occasioned over this question in 1524. Several times the city was left without sufficient people to guard or defend it against Indian attacks because many of the Spanish inhabitants departed with and without license for the purposes of collecting gold. Therefore, in order to prevent a recurrence of this situation, the order was passed that no citizen who possessed an *encomienda* of Indians could go to collect gold or to dwell upon their estates outside of the city limits under penalty of losing the Indians. The only alternative proffered them was that they put miners in the mines and overseers upon the ranches.⁵⁴

Previous mention has been made of the fact that the local officials were not entirely ignorant of the necessity for municipal cleanliness and sanitation, the truth of the statement being afforded by the governmental regulations which dealt with the quality of salable food. Other ordinances which indicate that interest was taken both in the civic beauty of the municipality and in its immediate sanitary conditions were those which forbade any person to herd pigs through the streets of the city. During the day no pigs could be taken along the public highways unless they were inclosed in pens. In case an owner desired to take his pigs outside of the city and did not wish to transport them in

⁵⁰Actas de cabildo, II., 7.

⁵¹Actas de cabildo, II., 69.

⁵²Ibid., III., 8.

⁵³Ibid., I., 103.

⁵⁴Ibid., I., 12.

cages, he was compelled to wait until one hour after sundown when he was at liberty to herd the animals through the streets.⁶² It was also within the power of the administration to order property to be clean and devoid of any refuse that was detrimental to the health of the inhabitants.⁶³

Regulations which were directly concerned with the well being of the people were those which regulated the medical profession and the sale of drugs. Evidently, in those days as well as in present times, it was necessary for the government to protect the public against unscrupulous swindlers who prey upon the ignorant populace for the sole purpose of attaining their own selfish aims. Every now and then the *cabildo* sent out inspectors to visit the apothecaries in order that it might be made certain that all medicines sold within the city were good and up to standard.⁶⁴ On January 22, 1528, the *cabildo* received information to the effect that there were many persons practicing medicine in the city who did not have license to do so. The report led to the passing of an ordinance which prohibited any person who was not a doctor or a surgeon to practice medicine, under penalty of being fined seventy gold *pesos*. All doctors were commanded to show their certificates to two physicians designated by the *cabildo*, whereupon they were given licenses.⁶⁵

There were a few minor details of daily existence over which the municipal administration claimed control. In 1524, for instance, all inhabitants, regardless of their status in society, were forbidden to play cards or dice.⁶⁶

Another privilege which, perhaps, was of less importance than those considered previously, but which has its place in an enumeration of the powers of municipal government, was the right of the *cabildo* to permit individuals to beg for alms. The poor people in the jail were relieved from their sufferings by means of alms which were collected by a person appointed by the *ayuntamiento*. In 1524 the jailer was instructed to beg for the poor in the jail upon Friday and Sunday of each week, and to exact from each Indian put into jail a fee of two *tomines*. From the funds collected he was requested to purchase for the jail an

⁶²*Actas de cabildo*, I., 106, 158.

⁶³*Ibid.*, I., 106.

⁶⁴*Actas de cabildo*, II., 21; III., 44.

⁶⁵*Ibid.*, I., 158.

⁶⁶*Ibid.*, I., 28.

image of the Blessed Virgin together with a lamp which was to be burned in front of it during the night." The conclusion may be drawn that this particular group of local officials, at least, was rather zealous in its efforts to provide for the observation of the rites and ceremonies of the Catholic faith.

No discussion of the town life in Mexico City is complete without a brief resume of the control exercised by the Spaniards over the Indians. A description of Indian conditions is, of necessity, general in its application because regulations respecting the aborigines were made by the crown who considered that the natives were a separate race whom it was the duty of central authority to protect. In actuality, however, the Indians suffered all of the rigors which it is customary for a conquered people to endure at the hands of a superior race." Bancroft sums up the policy of the Spanish kings.

The most that was required of the Indians was to abolish their ancient inhuman practices, put on the outward apparel of civilization, and as fast as possible adapt themselves to Christian customs, paying a light tax, in kind, nominally for protection and instruction. This doing, they were to be left free and happy. Such were the wishes of crown and clergy; for which both strove steadily until the object of their solicitude crumbled into earth."

Civil and ecclesiastical authorities were enjoined to protect the Indians. They were allowed to marry freely, provided the ceremony was in conformity with Christian usage, and they were permitted to "sew seed, breed stock, keep their ancient market-days, buy and sell at pleasure, and even dispose of their lands."^m Instances were not unknown in Mexico City in which the local officials protected the natives against the selfishness of the *conquistadores*. In 1526 the Indians planted their maize and some of the citizens of the town permitted their pigs and cattle to wander at will over the land, thus doing irreparable damage to the crops of the defenseless aborigines. The *cabildo* ordered these Spaniards to take their pigs and cattle off of the Indian land and to keep them off, under condition that after three days the Indians could lawfully kill any pigs or cattle found upon their property."

^mActas de cabildo, I., 15.

ⁿPriestley, José de Gálvez, 51.

^oBancroft, *History of Central America*, I., 256-257.

^pIbid., I., 257, note 5.

^qActas de cabildo, I., 79.

In spite of the beneficent intentions of the crown, the results of the temporizing policy of Spain in respect to the Indians were deplorable, for New Spain was too far removed from the mother country to permit direct supervision on the part of the sovereign. There grew up within the limits of Hispanic America a system of servitude which entailed the worst characteristics of absolute bondage. While Columbus was occupied in his second expedition to the New World he made war on the Indians of Española and imposed a heavy tribute upon them which it became impossible for them to meet. In 1496 they were permitted to substitute service in place of the tribute, and in this manner began the *encomienda* system which embodied the division of the natives of a conquered country among the conquerors. In theory the system was not meant to be unjust, for the *conquistadores* and *pobladores* were supposed to be meritorious persons who would christianize, educate, and protect the Indians in return for a reasonable amount of legal tribute to be fixed by royal officials. In reality, no system of servitude could have occasioned more injustice. The colonists disregarded their part of the contract and, as Bancroft says, "ground the poor savages under their iron heel, while the crown by ordering and threatening, earnestly but vainly sought to carry out in good faith and humanity what they deemed to be a sacred trust."⁷³

An investigation of the ordinary administrative work of the *cabildo* eliminates any doubt which may have been harbored in regard to whether or not the local council of the municipality was vitally concerned with the interests of the inhabitants of the city. It may be concluded without any question that any municipal organization which had the right to subdivide and distribute land, to grant privileges of citizenship, to regulate all mercantile enterprises, and to control various and sundry details of daily existence, played an important role in the lives of the people who lived within the borders of the local entity over which it exercised control.

⁷³Bancroft, *History of Central America*, I., 262-265.

CONCLUSION.

Within the course of the preceding pages we have witnessed the growth of the municipal government of the kingdom of Spain. We have seen that government develop into a system of local organizations which savored strongly of democracy and which took cognizance of individual rights and self-expression. Again we saw those same local organizations enter upon an age old decadence which terminated in the destruction of all vestiges of municipal independence and the creation of a system of local administration in which central authority was all powerful. It was during this period in which all recognition of local initiative was refused that the municipal administrative organization of Spain was transplanted into Hispanic America. Consequently, it has followed that the history of the *cabildo* of Mexico City, during the history of the city from 1524 to 1534, has been a story of the subservience of municipal democracy to the superior power of organized central autocracy. In spite of the fact that local government in the New World lacked vitality in so far as independent initiative was concerned, nevertheless, there was in active existence in New Spain a definite local governing body called the *cabildo* or *ayuntamiento*, and a delineation has been given of the outstanding characteristics of the municipal council of Mexico City during the years designated above. The machinery whereby the sovereign of Spain controlled the government of the capital of New Spain has been described, and a characterization has been offered of the methods of procedure followed by the *cabildo* in its work of administration.

In brief, we may say that the *cabildo* of Mexico City was a vital factor in the administration of the municipality. Its powers may be epitomized as being the right to subdivide and distribute the land, the right to confer privileges of citizenship, and the right to control and regulate all trade and commerce that was carried on within the territory which came under the jurisdiction of the city.

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The most specific and concrete accounts of the organization and procedure of municipal government in Mexico City are those which are contained in the records of the city administration, and which have been preserved for posterity in the form of *Libros*

de las actas de cabildo de la ciudad de México. Consequently, the greater part of the material for this particular piece of research has been obtained from the first three books of the *actas de cabildo*. Other works have been cited which have pertinent bearing upon the subject under discussion.

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EDITOR'S CHAIR

THE SPANISH COLONIAL CABILDO

Every student of Louisiana History will follow with interest and pleasure Miss Dyer's History of the Cabildo of Mexico City 1524-1534, printed in this issue of the Quarterly. It is a careful scholarly presentation of the history of the rise and fall of municipal government in Spain anterior to the settlement of the New World and it traces the foundation of the system thereafter evolved under the tyranny (or benevolent despotism) of the Spanish Kings for local government, in their American possessions.

The information here furnished is absolutely necessary to an understanding of the Cabildo (or municipal government) of New Orleans established by O'Reilly in 1769, which continued to function until its suppression by Laussat the commissioner (or prefect) appointed by Napoleon to take over Louisiana in 1803. Miss Dyer brings the story of Municipal Government in Spain and in New Spain (Mexico) down to 1534 and those who have devoted any time to the study of the municipal operations of the succeeding two hundred and thirty-five years before 1769 are aware that while those long centuries witnessed changes in methods and officials, the fundamental principles remained undisturbed. In the case of New Orleans for instance, we are able to say that there is a close family resemblance between its Cabildo and the primary one established in Mexico City in 1524.

The minute books of our Cabildo are lodged in the Archive room at the City Hall in New Orleans and while there is a French and English index to the volumes compiled shortly after the Cession of 1803 it is the substantial truth that with the exception of the maker of the Index, the pages of these old books have never been carefully examined since Martin and Gayarre used the volumes for their early histories of Louisiana, with the possible exception of Miss King. We should add as an additional exception that our distinguished associate Mr. John S. Kendall has within the past three years made use of them in the preparation of his excellent history of New Orleans published in 1922. The writer of these lines has also gone sufficiently into their contents to

know that here lies a mine that should be worked carefully by some capable scholar who could use Miss Dyer's work as a model. She has studied the printed minutes of the Cabildo of Mexico City to such good purpose, that one who begins her paper cannot put it aside, for such is its intense interest to us, until he has finished it.

Our readers will doubtless be surprised to learn from Miss Dyer's paper what a mass of printed matter exists concerning the Cabildo of Spain and her colonies, the feeling of surprise will indeed give place to one of chagrin and perhaps of anger when it is remembered that the City of New Orleans has never been roused to the necessity of printing the minute Books of our Cabildo, the greatest single historical source of our Spanish Era. It, of course, should not surprise or anger us when we also remember that the City of New Orleans has not printed in book shape the thousands of ordinances and city laws that have been adopted since Flynn's Digest was printed in 1896.

We are living, surrounded and governed by local laws that exist only in unindexed scrap books at the City Hall or in the congested files of the several newspapers that have from time to time held the contract for city printing; a search for these ordinances is therefore literally hunting a needle in a hay stack. It could scarcely be expected that a City which neglects its own current laws would turn aside to reproduce in print the old minute Books of the Cabildo, and yet to what nobler purpose could the City fathers work, for by this simple act of justice to our history, they would not only benefit posterity, but would leave their names like Abou Ben Adhem leading all the rest.

But the lesson we take from Miss Dyer's work is not finished yet, consider the time, research and industry which has gone into her paper, urged on by love for a Scholastic Institution of California and by zeal for its honors; compare this with the apathy that exists in Louisiana. May we not with pardonable anxiety inquire what our own Universities, Colleges and higher schools are doing in this essential matter? To what example however slight may we point to show that any controlling mind in any of our numerous schools exhibits any interest whatsoever in the sources of our history or any desire to place our own great collections of material in shape to create for us our true place in the record of human progress.

**THE DEBATES IN
THE FIRST CON-
FEDERATE CON-
GRESS, FEB. 18, TO
MARCH 25, 1862.**

The June 1923 issue of the Southern Historical Society Papers contains the Proceedings of the First Confederate Congress First Session, covering the period February 18, 1862-March 25, 1862. This

interesting publication is a document of great historical importance, especially for those who desire to study the legislative side of the Confederate Government. The Journal and the Acts of this Congress and the succeeding Congresses have been published by the Government Printing office in Washington, but the Journal is a skeleton containing no report of the debates. To remedy this the Southern Historical Society in a foreword to this Volume says that it,

"now publishes what are full abstracts of the debates compiled from the newspapers. The Richmond Examiner is the newspaper mainly used but other papers have been consulted to remedy deficiencies in the files of the Examiner and to serve as a check."

It is generally known, but the present generation has probably forgotten, that a convention of delegates from the seceding states met at Montgomery, Ala., on February 4, 1861, and on February 9th, adopted a provisional constitution for the Confederate States; on the same date it elected Jefferson Davis President and Alexander H. Stephens Vice-President of the Provisional Government. The convention then styled itself the Provisional Congress and as such held four sessions, two of these were at Montgomery, Ala., February 4 to March 16, 1861; April 29 to May 22, 1861, and the other two at Richmond, Va., July 20 to August 22, 1861, and November 18, 1861, to February 17, 1862. The debates of this body are not included in the volume under consideration.

In November, 1861, the regular Congress of the Confederate States was elected and Messrs. Davis and Stephens were at the same time elected President and Vice-President for the term of six years beginning February 22, 1862. The Congress elected in 1861 held four sessions during 1862, closing its service on February 18, 1864. The Second Regular Congress was elected in November, 1863, held two sessions and came to an end with the fall of Richmond in 1865.

The installment of the debates now printed begins with the first session of the regular Congress held February 18, 1862, and breaks off before the close of that session, the last report being that of March 25, 1862, but the editors are hopeful the work here begun will continue until the reader will have access to all the debates of Congress to the end of the life of the Confederate States. The editors further say,

"It is believed that very little that was said in the Confederate Congress is omitted from this publication."

The value of this work will consist not in any new view of the activity of the statesmen of that body, but in the opportunity to study in convenient shape the economical and other problems of the Southern people as discussed in Congress during the fierce internecine war which disrupted social life and brought that part of our country to the extreme depth of misery. The result of such an analysis will not only illuminate the legislative struggles but it must add considerable personal information that has not so far attracted the attention of writers on the Civil war.

Our space does not permit us for the present to follow the matter to any other extent, but we trust to enlist some of our contributors to do that work for us. We can now only congratulate the Southern Historical Society on the valuable work it is here doing and wish it good luck in its prosecution to completion.



RECORDS OF THE SUPERIOR COUNCIL
OF LOUISIANA.

XX

(Continued from April, 1923.)

March 23, 1739. **Petition of Recovery.** Capraize Mathieu shows that he has diligently managed the plantation of the late Mr. de Coustilhas, and is entitled to payment of the appertaining bond of service; namely 600 francs payable in course of this year, together with a beaver hat reckoned at 40 francs. Mr. Pery, who is responsible in the matter, seems disposed to evade his obligation on the ground that he acted only as attorney for late Mr. DeC.

Let Mr. P. be cited.

Action follows.

March 24, 1739. **Report of Visit Made to Ship.** On demand of Sr. Giraut, captain of the ship "le Comte de Maurepas," of La Rochelle, the vessel is inspected by Sr. Le Bretton, Secretary of the Marine and Subdelegate of Intendant Salmon, accompanied by Jacques Livaudais, Captain of the Port and the Clerk of the Admiralty.

Certificate and clear bill given and signed by Le Bretton, Livaudais, E. Giraud, Tize, Badicaud, Jeraume Perier and Henry, Notary.

March 25, 1739. **Petition of Recovery.** Attorney D'Auseville moves for action against Aufrere, who owes accounts of 66 francs and 10 sous to the Baldic estate, 7 francs to the estate of Nicolas Duran, and 3267 francs, 10 sous to AT. Julien estate. Aufrere tries to dodge his obligations under plea of (irrelevant) counter claims: let him be cited in the name of his business attorney.

Granted: Salmon

Notice served to said attorney, Sieur Jahan.

March 26, 1739. **Petition of Recovery.** Mr. Gerard Pery claims a total sum of 12318 francs from De Coustillas estate, independently of one fourth interest in the ship St. Jean Baptiste, now trading at Martinique.

Let Attorney D'Auseville be cited.

Action allowed, and notice served, March 27.

Reference to death of Mr. DeC. at the "new fort of the Kikachas."

March 28, 1739. **Report of Death of Negro Slave.** Gerard Pery, (11198)
(2566)
Fo. 12.
1 p.
merchant of New Orleans and "farmer" of the plantation of deceased Sr. Coustilhas, files report of the death of one of the negroes of the Coustilhas estate, who died of natural causes after four days' illness. Signed: "G. Pery," "Henry, Clerk."

March 28, 1739. **Donation and Remuneration.** Sr. Francois Caue (11199)
(2557)
Fo. 12.
2 pp.
before Notary Royal and witnesses donates to his sister, Suzanne Caue, his full share in his father's estate, renouncing voluntarily all that may therefrom come to him, in her favor, in gratitude for the care she has taken of their mother, Anne Gondolfo, widow of deceased Sr. Francois Caue, their father. Signed by Caue, Roumier, Jahan, Henry, Notary.

March 28, 1739. **Procuration.** Sieur Francois Caue, Guardian of (11201)
(2568)
2pp.
the King's store, who is about to leave to join the army marching against the Chickassaws, grants power of attorney to Jean Baptiste Prevost, General Book-keeper of the Company of the Indies, empowering him to claim merchandise and letters coming to him from France or from elsewhere, to collect and receipt in his name, have debtors cited, etc., the same to hold until revocation. Signed: "Caue," "Jahan," "Roumier," "Henry, Notary."

March 29, 1739. **Report of Cattle Killing.** Pierre Dreux complains (2pp.)
No. 39⁴⁶.
See 39⁴⁸,
39⁵²,
39⁷⁷.
that one of his finest cows is missing, of the Havana grand stock, and also a bull. By common report of eye witnesses, the missing cow was shot by Mr. Matieu, who treats the matter disdainfully.

Let him be cited to pay for the cow and the bull.

March 30. Action allowed: Salmon.

March 30, 1739. **Slave Deal Reversed.** Gerard Pery, executor for (3pp.)
No. 39⁴⁷.
See 39²⁷,
39¹⁸⁰.
the late Calixte Descairat, tells a roundabout story of a certain savagess of Descairat estate: belonging, however, to one Rebout, debtor to said estate, where they may defray their "keep" by work; which arrangement has been duly effected.

May 19, 1739. Dalby returns the two *boarders*, finding that they ate more than they earned.

March 30, 1739. **Sale of Real Estate.** In the interest of a minor son (whose surname appears to be Brienne), the parties for him responsible agree to sell to Jean Caron a half lot, and apply the proceeds as invested capital. Proceeds, 250 francs.
Torn and incomplete.

March 30, 1739. **Protest Concerning Misrepresentation in Contract,** filed in Registry on demand of Sieur Jonathas Darby, who there declared he had intended to enter into partnership with Sr. Mathieu, who was previously associated with Sr. Pery for exploitation of the plantation of the deceased Sr. Coustilhas, on the same conditions as held in his partnership with Sr. Pery, said Sr. Mathieu having asserted that there were over forty arpents of ground sowed with indigo and beyond all risks. Sr. Darby gave his note for 500 livres to Srs. Pery and Mathieu for their labor and since then has become suspicious of Sr. Mathieu's good faith on account of his delay in signing partnership agreement, and having since discovered that there were only thirty arpents sowed with worthless seeds, and he, Darby, not being familiar with the culture of indigo, demands that his note be declared null and void. This document is a copy and shows Darby's signature, whilst it bears the original signature of Henry, Clerk of Council.

March 30, 1739.
(11208)
2pp.

Original declaration of Sr. Jonathas Darby, who has sub-leased plantation of deceased Sr. Coustilhas, on same conditions and clauses as Srs. Pery and Mathieu, present lessees, on assurance of Sr. Mathieu that 40 arpents were sowed with indigo and beyond all risks, and said Mathieu agreed to cultivate said plantation. But Sr. Mathieu now seems to elude this responsibility which would entail a loss on Sr. Darby, who is not familiar with the cultivation of indigo and after investigation he finds that said Mathieu has misrepresented conditions, and Darby therefore protests against said lease and demands annulment of same. Signed: "Darby," "Henry."

March 31, 1739.
(11203)
Fo. 12.
(2569)
2pp.
A copy.

Sr. Jonathas Darby files report in Registry of Council that he has sub-leased from Srs. Pery and Mathieu, the plantation of deceased Sr. Coustilhas, Sr. Mathieu giving him full information concerning said plantation and promising to associate himself with him as he had done with Sr. Pery. However, Sr. Mathieu has seemed to elude the signing of the said partnership with Sr. Darby, which has made him suspicious and led him to investigate conditions which have been misrepresented by Mathieu, and he protests against said act and demands that his note for 500 livres be declared null and void. (No signature.)

April 1, 1739.
(11211)
(2570)
Fo. 12.
8pp.

Marriage Contract before Henry, Notary Royal, between Sr. Mathurin Cendret, Chief Surgeon of the Marine at Rochefort, now in this colony, Province of Louisiana; son of Sr. Henry Cendret, deceased, merchant, and of Dame Anne Maçon, a native of Rochefort, parish of St. Louis, Bishopric of La Rochelle, and Demoiselle Marie Joseph Carriere, minor daughter of Sr. Francois Carriere, deceased, and Dame Francoise Jallot, a native of Mobille, Archbishopric of Quebec; her mother and her uncle, Sr. Joseph Carriere, stipulating for the minor bride. Signed: "Bienville," "Joseph Carriere," "Cendret," "Marie Joseph Carriere," "Carriere," "Carriere," "Livaudais," "Tixerrant," "B. Livaudais," "Marie Tixerrant," "P. Lefebvre," "Simars de Bellile," "Enould de Bellile," "Broutin," "Prat," "Lafreniere," "Madelene le Maire Broutin," "Marie Carriere," "Raguet," "Corbin Raguet," "Marriane Carriere," "Francoise de Villemont," "J. Jahan," "Chauvin Lafreniere," "Lafreniere," "Roumier," "Henry, Notary."

April 1, 1739.
2pp.
No. 39⁸⁸.
See 39⁴⁶,
39⁴⁹,
39⁶³.

Court Summons. Sheriff Marin Le Normand serves notice to Francois Haville, resident at the brewery, and to sundry slaves of the late Mr. de Coustillas to appear before Mr. Le Bretton, subdelegate of Judge Salmon, for testifying in the action moved by Mr. Dreux against Mr. Capraise Mathieu.

Notice also served to C. M. himself (through his representative).

Hearing set at 8 a. m. on the morrow.

- April 1, 1739. **Court Summons.** Notice to negro Cezard, in foregoing suit.
1p. See 3948, 3950.
No. 3949.
- April 1, 1739. **Court Summons.** Notice, in same suit, to negro Pierre.
1p. See 3949, 3951.
No. 3950.
- April 1, 1739. **Court Summons.** The like notice to negro Ypolitte.
1p. See 3950, 3952.
No. 3951.
- April 1, 1739. **Petition in Redress.** Jean Caron, butcher, lodges complaint against Sieur Mathieu for ordering his negroes to kill the petitioner's horse without word of warning. Settlers of "the coast" usually notify the owners, in case cattle go astray.
1p. Judge Salmon orders action against Mr. M.
No. 3952.
See 3946, 3953, 3964.
- April 1, 1739. **Court Summons.** Sheriff Le Normand serves notice to Mr. Darby and to sundry negroes of the late Mr. de Coustillas to appear and give evidence in the action moved by Jean Caron against Capraise Mathieu tomorrow at 8 a. m. Notice is also served to C. M. himself (or to his representative).
1p.
No. 3953
See 3952, 3954.
- April 1, 1739. **Court Summons.** Notice in foregoing suit, to negro Arculle.
1p. See 3953, 3955.
No. 3954.
- April 1, 1739. **Court Summons.** The like notice to negro Birame.
1p. See 3954, 3956.
No. 3955.
- April 1, 1739. **Court Summons.** Similar notice to negro Brunet.
1p. No. 3956. See 3955, 3957.
- April 1, 1739. **Court Summons.** Similar notice to negro Cuia.
1p. No. 3957. See 3956, 3958.
- April 1, 1739. **Court Summons.** Notice to negro Mignon (so construed; possibly Minguan), in the same suit.
1p. Same elsewhere occurs as Magnan.
No. 3958. See 3957, 3959, 3964.
- April 1, 1739. **Court Summons.** Notice to negro Ypolitte, in same suit.
1p. See 3958.
No. 3959.

April 1, 1739. **Petition of Recovery.** Jacques Millet, second captain of ship "Le Comte de Maurepas" of La Rochelle, claims on behalf of Mr. Jean Denis, merchant at Bordeaux, the sum of 1362 francs and 18 sous from Mr. Ferchaud, tradesman at N. O., due on a draft protested at Toulouse and at Bordeaux.

April 2. Action allowed: Salmon.

April 1, 1739. **Acknowledgment** before Superior Council and Notary Royal by Sr. Joseph Dubreuil of a debt to the Company of the Indies amounting to 10682 L. 6s. 10d. for a like sum advanced to him by Sr. J. B. Faucon Dumanoir, Agent of the Company.

2½pp.

Signed: Dubreuil, Faucon Dumanoir, Bizon, L. Leugere, Bimont and Henry, (clerk).

April 1. Certification of aforesaid document having been examined by the Committee of the King.

Signed: "Salmon."

April 1, 1739. **Petition to Superior Council** by Marie Louise de Malbec, that seals be affixed on effects of her deceased husband Charles Petit de Livilliers and that enumeration, description and appraisement be made of all movables and immovables of said succession.

(9705)

Signed: "Malbec de Livilliers."

Petition granted. Inventory to be taken in presence of M. de Noyan and the Attorney General of the King.

Signed: "Salmon."

April 1, 1739. **Court Summons.** On request of Mr. Bartelemy Bimont, Sheriff Le Normand notifies Mr. Lassus Marsilly to appear on Saturday the eleventh at 9 a. m.

No. 39⁶¹.

See 39²².

April 1, 1739. **Petition to Void Contract.** Settler Darby relates with minute circumstance, and in straightforward plain French devoid of technical formalities, a contract of lease which he signed, as he here urges, to his disadvantage. The lease in question had to do with Coustillas estate, previously farmed by Messrs. Pery and Mathieu. By the new plan, Darby should pay Pery 500 francs, and then Darby should be manager-in-chief, with Mathieu to look after

7pp.

No. 39⁶².

See 39⁶⁶.

(First card).

the indigo crop. Since M. "skipped" his agreement, let him be cited, together with Mr. Pery and Mr. D'Auseville, who was an active party in the preliminaries.

(Second card.) **Petition to Void Contract.**

Judge Salmon approves legal action, and notice is served on April 2.

N. B. This document is one of the best thus far perused, for conveying an intimate notion of the business chat of those times. The several parties are brought before one directly according to their daily life and conversation: taken down as it were, by shorthand reporter. The writing is generally excellent, though faded and stained in part.

See 39⁶⁶.

April 2, 1739.

11pp

No. 39⁶³.

See 39⁴⁸,

39⁶⁵,

39⁷⁴.

Testimony in Cattle Killing Suit. Examination of seven slave witnesses, who concur with but slight variation to establish the fact that Mr. Mathieu fired the shots which killed the cow belonging to Mr. Dreux.

Several of the slaves are Senegal negroes.

Mr. Gerard Pery testifies in regard to the dead cow, presumably from (gunshot) wounds.

Court conclusion is faded illegibly.

April 2, 1739.

9½pp.

No. 39⁶⁴.

See 39⁵²,

39⁷³.

Testimony on Horse Shooting. Evidence is mainly of hearsay cast, but points to the inference that Mr. Mathieu ordered the shooting in question. Nine witnesses are heard: Mr. Jonathan Darby and the slaves Louis, Jacques Bayard, Nicolas Hypolite, Nicolas Hercule, Brunet, Guillaume Beraine, Magnan, Cuia.

Case ordered further in process. (Faded portion.)

April 3, 1739.

(11221)

(2571)

Fo. 12.

11-2p.

Contract for Cypress Boards. Before Henry, Notary Royal, Charles Le Moyne and Jean Moreau, associated in lumber business, have agreed to furnish M. Du Breuil Villars, contractor of buildings and fortifications for the King, 200 cypress boards, in good condition, 22 or 24 feet in length, by 8 or 10 inches square, in the course of the month of May, and to have lumber delivered, as agreed, in default of which they will be held to pay cost and damages proportionate to delay. Signed: "Du Breuil," "Le Moine," "Jahan," "Roumier," "Henry, Notary." Document badly stained, with ragged edges.

- April 3, 1719. **Court Summons.** Notice to Mr. Gerard Pery to
1p. testify in suit of Dreux *vs.* Mathieu.
No. 39⁶⁵. See 39⁶³.
- April 3, 1739. **Abstract of Lease.** Report of Mr. Gerard Pery's
March 30. cession of the plantation of the late Mr. de
3pp. Coustillas to tenant Jonathan Darby for 6000
No. 39⁶⁶. francs.
See 39⁶², 39⁶⁷, Communicated to J. D. on April 3.
39⁶⁹, B40¹. (Dirty ink and slovenly script.)
- April 4, 1739. **Petition in Remonstrance.** Mr. Gerard Pery,
4pp. ever on the alert to vindicate his disinterested
No. 39⁶⁹. simplicity by new business in Court, pleads for
See 39⁶⁶. the non-suiting of Mr. Darby's plea to back
down from a lease which he signed advisedly.
- April 4, 1739. **Petition to Disband Crew.** Pierre Labat, owner
2pp. of the vessel "St. Pierre," from Leogane, Hayti,
No. 39⁷⁰. shows that an inspection of the same with a
See 39⁶⁷. view to repairs, disfavors repairs on the ground
of undue cost and scarcity of competent laborers.
Let the crew be discharged, either to embark by
other vessels, or to stay in the Colony, just as
they choose.
Judge Salmon assents, with provisos in regard
to salary and victualling. (Faded.)
- April 4, 1739. **Petition for Allowance.** Attorney General Fleu-
2pp. riau reports that the late Mr. Alevin, deceased
No. 39⁷¹. at Mobile, has a minor son at N. O., now at
See 39¹⁰. school, but unprovided with means. Let a sum
39¹⁷⁴. of 600 francs be withdrawn from estate funds,
D⁴⁰⁴. in the hands of Mr. Bernaudy, estate attorney
at Mobile, and a trustee be appointed for said
minor son. Assets of estate amount to about
20000 francs; let alone some cattle not yet sold
(they were astray in the woods).
- April 4, 1739. **Inventory.** Following petition of Marie Louise de
(9706) Malbec, widow of Charles Petit de Livilliers,
full inventory of property of deceased Livilliers
taken in the presence of the Attorney General
of the King, Augustin de Payen, Chevr. de
Noyan, and the clerk of the Council by Joseph
Bizoton, Commissary of the Marine at Mobile.
Inventory covers 8pp.
Signed: "Malbec de Livilliers," "de Gauvry"
"Le Normand," "Fleuriau," "Noyan," "Bizo-
ton," "Henry," clerk.

- April 4, 1739. **Protest by J. B. Faucon Dumanoir**, Agent of the
(9714) Company of the Indies, against division of
returns of said succession of Charles Petit de
Livilliers, until payment of 15562 L. due to the
Company of the Indies.
Signed: "Faucon Dumanoir."
- April 5, 1739. **Petition to Superior Council** by Marie Louise de
(9700) Malbec, widow of Charles Petit de Livilliers, to
convene a meeting of relatives and friends of her
deceased husband in order to elect a tutor and
an under tutor for his minor heirs.
Signed: "Malbec de Livilliers."
Permit to Convene Meeting of relatives and
friends of deceased Charles Petit de Livilliers
in the presence of the Attorney General of the
King.
Signed: "Salmon."
- April 5, 1739. **Report to Superior Council** by widow Charles
(9701) Petit de Livilliers that family meeting has
elected her as tutor and M. de Noyan as under
tutor of the minor heirs of deceased Charles
Petit de Livilliers. Said election signed by
"Malbec de Livilliers," "Noyan," "Chevr. de
St. Aignet," "d'Hauterive," "Membrede," "de
Benage," de Coustilhas," "R. Laurent," "de
Montberault," Countersigned: "Salmon,"
"Fleuriau," "Henry," clerk.
- April 5, 1739. **Homologation** of above appointments of tutor
(9705) and under tutor to minor heirs of deceased
Charles Petit de Livilliers. Signed by "Salmon,"
"Noyan," "Coustilhas," "Chev. de St. Aignet,"
"d'Hauterive," "Membrede," "de Benage,"
"Fleuriau," "Henry," clerk.
- April 6, 1739. **Receipt. Draft Collection.** Jacques Mellet, at-
2pp. torney for Jean Denis of Bordeaux, has received
No. C39⁵. of Jean Ferchaud the sum of 1432 $\frac{1}{2}$ francs in
See C39⁴. Colonial funds, in full discharge of draft, costs
and interest. J. M. accordingly surrenders the
appertaining papers to J. F.
- April 6, 1739. **Decision in Estate Suit.** In review of Attorney
2pp. D'Auseville's proceedings against Antoine
No. 397². Aufrere, claimant in turn against St. Julien
See 377⁹. estate, the Council nonsuits Aufrere of all his
391⁸⁵. demands, and orders him to pay 4400 francs to
Mr. D'A., attorney.

The Council's decision is very nearly effaced, showing either stupidity or avarice of worthless ink. On the other hand, the review of the case is distinctly legible.

- April 6, 1739. **Objection to Witnesses.** Mr. Capraize Mathieu says in reproach of certain witnesses in the suit moved by Sieur Caron, that the negro Louis is addicted to strong drink and that he made an attempt at suicide: that Sieur Darby was opposing C. M. in a lawsuit at the time concerned, and had long been inciting the negroes against C. M. In short, C. M. refuses the evidence of de Coustilhas negroes, and also protests at the nullity of the Court's inquiry, for as much as the report was not communicated to himself.
- 1p.
No. 3973.
See 3964,
3974,
3875.
- April 7, 1739. Mr. Caron is duly apprised hereof.
- April 6, 1739. **Objection to Witnesses. Dreux vs. Mathieu.** Mr. Capraize Mathieu likewise objects to Louis and his family, and to the slaves Cesard and Nicolas Hipolite, as prejudiced witnesses; withal protesting at nullity of the Court inquiry because report was not communicated to himself. The matter is duly (on April 7) referred to Mr. Dreux.
- 1p.
No. 3974.
See 3963,
3973,
3976.
- April 6, 1739. **Notation of Witnesses. Dreux vs. Mathieu.** Sheriff Le Normand reports in like manner (see 3975) to Mr. C. Mathieu concerning witnesses Louis, Catherine Baptiste, Marguerite, Cezard, Pierre, Nicolas Hypolite, and Mr. Gerard Pery.
- 1p.
No. 3976.
See 3974.,
3977.
- April 6, 1739. **Notation of Witnesses. Caron vs. Mathieu.** Sheriff Le Normand reports that formal attributes of witnesses Louis, (slave of de Coustillas estate,) aged about 40; Senegal negro; Catholic Apostolic and Roman believer, Jonathan Darby, Jacques Bya, Nicolas Ipolitte, Brunet, Guillaume Birame, Magnan and Cuia, to Mr. Capraise Mathieu, indigo planter, domiciled with the Jesuit Fathers. He shall file his objections, if any, within three days.
- April 6, 1739. **Succession of Mrs. Lassus Marsilly (Widow Trepagnier.)** Inventory, description and appraisement of effects of succession of Elizabeth Burel, widow of Claude Trepagnier, afterwards married to Sr. Lassus Marsilly. The said deceased
- (11834)
5pp.

Elizabeth Burel, Dame Marsilly, leaves several heirs by her first husband. Inventory is taken by Sieur Bobé Desclozeaux, Commissary of the Marine; in the presence of the Attorney General of the King, of the Clerk of the Council, of Srs. Dubreuil and St. Martin, appointed guardians, Sr. Macarty married to — Trepagnier, daughter of deceased Claude Trepagnier; Sr. Ignace Trepagnier, her son, Sr. Bernard who was married to her deceased daughter, and curator of Ursule Trepagnier, also acting for Dame — Trepagnier, widow of Sr. Nicolas Huot de Vaubery, Sr. Joseph Carriere as having married a daughter of deceased Dame Marsilly. Inventory covers 17pp. Document stained, with ragged edges. Signed by Lassus Marsilly, St. Martin, Macarty, DuBreuil, Fleuriau, Le Normand, Bobé Desclozeaux.

April 6, 1739.
(11226)
(2573)
Fo. 12.
4pp.

Procuration. Before Notaries Royal of Bordeaux, Jean Denis, merchant, to Sr. Jacques Millet, 2nd Captain of the ship "le Comte de Maurepas," and to its Captain, Sr. Giraud of La Rochelle, to receive from Sr. Ferchaud, merchant, "at the Mississippi," the sum of 1344 livres, 6s., the principal with the interest thereon, after deduction of costs of exchange on Bordeaux. To this end, he empowers Sr. Millet to proceed to seize the movables and immovables of said Ferchaud, until said constituent has recovered full amount due him. Signed: "Lagenie," "Serourne."

April 6.
(11235)
Fo. 12.
(2575)
1p.

On April 6, 1739, Sr. Jacques Millet filed above power of attorney in Registry of Superior Council. Signed: "Millet," and "Henry, Clerk."
Collection and Discharge under Said Procuration. Sr. Millet, acting for Pierre Denis, tenders receipt to Sr. Ferchaud for payment of 1432 livres, 10s., and gives him full discharge of all indebtedness to said Pierre Denis. Signed by Mellet, Roumier, Jahan and Henry, Notary. Edges torn.

April 7, 1739.
2pp.
No. 3976.

Decisions in Sundry Suits.

1. Pierre Dreux *vs.* Coustillas estate. For P. D. See 3985.
2. Bimont suit adjourned. See 3922.
3. Deed of gift (presumably confirmed). Effaced.

4. G. Perry *vs.* Coustillas estate. G. P. non-suited. He shall turn over to Attorney D'Auseville any contracts affecting the plantation, which is to be farmed out by Court proceedings, on April 17. Goods movable shall be sold. Further proviso as regards G. P.'s contentions.
See 39⁶⁶, 39⁶⁷.
Worn and ragged.

April 7, 1739. **Will and Testament.** Sr. Nicolas Chauvin de Lery de Bois Claire, being about to leave for the war against the Chickassaws, makes a nuncupative will before Henry, Notary Royal, declaring null and void all other wills he may have made, this, his last, alone valid. Signed by Roumier, Jahan, and Henry, Notary.
(11242)
(2578)
Fo. 12.
3pp.

April 7, 1739. **Agreement to Furnish Army Supplies.** Sr. Louis Juchereau de St. Denis enters into agreement with M. de Salmon to furnish, for war with Chickassaws, 100 head of horned cattle and to have them led to Arkansas, at 100 livres apiece, to be paid for on receipt of delivery furnished by guardian of the King's store. Signed: "Salmon," "Bienville," "St. Denis," "Roumier," "Henry."
(11236)
Fo. 12.
(2576)
2pp.

April 7, 1739. **Agreement for Service on Plantation.** Before Notary Royal, Jacques Dureau and his wife, Jeanne Mahon, enter into agreement with Nicolas Chauvin Delery Boisclair, to go to live on his plantation near Cannes Bruslees, between those of Srs. Demouy and Verret, said Dureau to make on plans furnished two indigo vats and a shed, with latanier roof, and to take care of sowed land, negroes, cattle and poultry on said plantation, inventory of same to be made, obligating themselves in case of accident to notify Srs. Demouy and Verret, agreement covering one year. Signed by Boisclair, Dureau, Roumier, Jahan, Henry, Notary.
(11238)
Fo. 12.
ff.
(2577)
3pp.

April 8, 1739. **Acquittance of Debt to Company.** Full discharge to Sr. Pierre Baron of Oumas, who has paid what he owes the Company of the Indies. Signed: "J. B. Faucon Dumanoir." Collated copy dated April 8, 1739.
(11245)
Fo. 12.

- April 8, 1739. **Acknowledgment of Debt.** Detailed statement of account due to estate of Sr. de Coustilha, deceased, by Sr. Gerard Pery, to be communicated to Sr. D'Auseville as Attorney of Vacant Estates. Certificate signed by Mr. Pery that he has this day withdrawn from the Registry this statement which was there deposited.
(11246)
(2579)
A.....
2pp.
- April 9, 1739. **Court Summons.** On request of Mr. Dreux, Sheriff Le Normand notifies Messrs. Francois Haville and Joseph Mercier to appear on the morrow at 9 a. m. before Mr. Le Bretton, to testify in suit moved by Mr. D. *vs.* C. Mathieu.
1p.
No. 3977.
See 3946, 3976,
3978.
- April 9, 1739. **Before Notary Royal** lease of a negro to J. B. Ecuyer, Sr. de Monbrun by Philippe Bruslé, for a voyage to Illinois.
(9715)
Signed by Bruslé, D. E. Troyer, Roumier, Henry, clerk.
- April 10, 1739. **Testimony in Cattle Suit.** Witnesses Francois Haville and Joseph Mercier gave evidence which is now practically effaced by fault of ghastly ink.
4pp.
No. 3978.
See 3977.
Court conclusion, if any was added, is invisible to unaided scrutiny.
- April 10, 1739. **Petition in Remonstrance.** Dame Toinette Louise de Malbee, widow of late Captain Petit de Livilliers, reverses the "piteous tale" of one La Branche, so meek in appearance that he might scarcely kill a cat. Some months ago he crippled Madame's negro cowherd; and if her cattle invaded the land of La Branche, that was one reason; but again, she can prove that his own cattle were in his field of grain. He ought also to provide his half part of a line fence. Nonsuit him, fine him 50 francs in favor of Hospital, and let him contribute to cost of fence.
2pp.
No. 3979.
See 38134,
391212.
No note by Council.
- April 11, 1739. **Decision in Suit of Claims.** (Another exhibition of bad ink.)
1p.
No. 3980.
Sieur Chastang *vs.* J. B. Faucon Dumanoir, Company's agent.
Presumably the plaintiff wins, as costs are legibly on defendant.

April 11, 1739. **Decisions in Worthless Ink.**

2½pp.

No. 3981.

1. D'Auseville *vs.* Aufrere. For D'A.
2. C Mathieu *vs.* D'Auseville (Coustillas estate).
Illegible.
3. C. Mathieu *vs.* G. Pery, sometime attorney for Coustillas estate.
Compensation allowed C. M. to sum of 200 francs.
4. Bimont *vs.* ——. Illegible.
5. Extinct, in the main; save judgment for plaintiff.
Signed: Salmon, Fleuriau, Raguét.
(Using ink of their own, presumably.)

April 12, 1739. **Registered Testimony** by Bernard, so-called La Joye, of having witnessed a quarrel between a free negro and a slave owned by M. de Chavannes.

Signed by Bernard Bouillon, so-called La Joye, and Henry, clerk.

April 13, 1739. **Registered Testimony** of Francois Montenolle, so-called Delome, of having witnessed a fight between a free negro and a slave owned by M. de Chavannes.

Signed: "Montenolle dit Delome," "Henry," clerk.

April 14, 1739. **Registry of Procuration.** Bernard Causse, Master Pilot of the King, holding power of attorney of Jeanne Giron empowering him to reimburse the heirs of Louis Bret, a sum of 135 livres, files said power of attorney in Registry of Superior Council, demanding registry thereof. Signed: "B. Causse," "Henry, Notary."

(11250) **Receipt Tendered by Heirs of Louis Bret** for sum of 135 livres, divided between Pierre Bamelan, husband of Marie Bret, Louise Bret, married to Boisdoré, Therese Bret, wife of Louis Assailly, and Louis Bret. Receipts signed by Debair, Roumier, Boisdoré, F. Gallot and Henry, Clerk. (11248) power of attorney to Causse by Jeanne Giron.

April 14, 1739. **Lease of Negro Slave.** Before Notary Royal Dame Marie Bonet, widow of deceased Michel Veuparin, leases four negroes to Sr. Philip Lefebvre, Chief Surgeon in the Swiss troops, for work on his plantation or any other thing at his will, for one year at the price of 600 livres, on usual conditions. Signed by P. Lefebvre, C. Bonnet, Roumier, Jahan and Henry, Notary.

(11252)

Fo. 12.

(2581)

2pp.

April 14, 1739. **Petition** to Mr. Salmon, Commissary of the Marine and Intendant, for inventory of community property with his deceased wife, former widow of Claude Trepagnier, in order to obtain his discharge of his tutorship of her children and to effect division according to individual rights of each heir, asking that said inventory be taken on a day convenient to those who have been appointed for that purpose.

Signed: "Lassus Marsilly."

April 14, 1739. **Request Granted** and parties notified to attend meeting for election of tutors and curators to minor heirs of said deceased Dame Lassus Marsilly.

1p. Badly stained.

On reverse of document memorandum of following names:

Messrs. Francois Trepagnier, Ignace Trepagnier, Joseph Carriere, Bernard Alexandre Viel, M. Guillaume, de la Pommeraye, Mr. Trudeau, M. de la Pommeraye.

April 15, 1739. **Sheriff's Sale.** Following decree of Superior Council, March 1, last, on petition of Sr. Raymond Amvauld d'Auseville, Attorney of Vacant Estates, Marin Lenormand, sheriff, proceeds to sale of furniture, household linen and utensils, arms, wearing apparel, two horses, and crockery of Sr. Jean de Coustilhas, deceased. Signed: "Boyan,"

"D'Auseville," "Cavy," "Lenormand."

(11272) Inclosed in previous document, a slip dated Feb. 14, 1739: which is a declaration signed by "Vitry, Jesuit," that a young negro belonging to the estate of deceased M. de Coustilhas, whilst crossing the river, dropped a package containing shirts and other clothes belonging to M. Simar, the Captain, who had placed them in the rear of the boat, this certificate to serve him as needs be.

April 16, 1739. **Excerpt from the Minutes** of the session of the Commissioner of the King and associates named by His Majesty to regulate the affairs of the Company of the Indies. On date of April 11, 1739; statement of suit of Sr. Chastang vs J. B. Faucon Dumanoir, Agent of said Company, decision that the 2000 livres still due by the Company to said Chastang shall be taken on deposit now in Registry from returns on estate of Sr. Des-

cairet, deceased, debtor of the Company. Commissioner orders clerk of Council to pay aforesaid sum to Sr. Chastang, this order discharging him from all further responsibility.

April 16.
(11343)
(11344)
1p.

Acknowledgement of Sr. Chastang that he has received the sum of 7000 livres following decision of the Commissioner of the King and associates, on returns of deceased Sr. Descairat, due to the Company, said clerk of Council being duly discharged by this receipt. Signed: "Chastang," "Jahan," "Roumier," "Henry, Clerk."

April 16, 1739. **Testimony** given by Dassanie that Sr. Grand-maison embarked in the sloop "St. John," as second captain, that he was considered as such by the crew and that he fulfilled the duties of that charge in a way that precluded reproach. Signed: "M. Dassanie." Certified by "Feugere."

April 18, 1739. **Power of Attorney** by Antoine Negrier and his wife to (blank) to act in their name in the settlement of the succession of Madeleine Rouget, grandmother of the constituent. Signed: "F. Galhok," "Negrier," "Roumier," "Henry."

April 20, 1739. **Letter** to Monsieur Raouls, merchant of La Rochelle. Not signed. (business letter.)

April 20, 1739. **Procuration.** Before Notary Royal of the Province, and witnesses. Tabaret granted special and general power of attorney to (blank), empowering him to collect from Louis Dupain, residing at the "Bourg" in Poitou, the sum of 330 livres on his note passed before M. Rossard, securing same by every possible means, such as seizure and sale of his movables, etc. Signed by Tabarit, Roumier, Lenormand, and Henry, Notary.

(11358)
1p.
Inclosed in above document acknowledgment of said debt of 330 livres by Louis Dupain, a sergeant, in the troops of Sr. Dartaguet, then in New Orleans, act of which was passed before Rossard, Notary, August 9, 1728. Signed: "Rossard, Notary."

Certification of Rossard's signature and his right to exercise the function of notary. Signed: "Salmon," "By my said Sieur Le Bretton."

April 20, 1739. **Procuration.** Before Notary Royal Sr. Gilles Augustin Payen. Chvr. de Noyan, to Dame Jeanne Faucon Dumanoir, his wife, to collect his salary from the Treasurer General or his clerk, during his absence, empowering her to tender good and valid receipt for same. Signed: "Noyan," "Roumier," "Jahan," "Henry, Notary."

April 21, 1739. **Receipt** tendered by Henry Buquoy and wife to Bernard Causse for papers remitted to them. Enumeration of papers follows. Signed by Galhok, Buquoy, Roumier and Henry.

April 22, 1739. **Power of Attorney.** Aux Houmas. Blanpain 1p.
39⁸². See 39⁶⁸ B. in the matter of their bargain with G. Pery.

April 22, 1739. **Lease of House.** Jean Barbot, acting for Pierre Mayeux, leases a house and lot to Jean Simon, a cobbler, on clauses and conditions stipulated, for the sum of 60 livres per year. Signed by Janek Simon, Wiltz, Roumier, Jahan, Henry, clerk.

April 24, 1739. **Declaration** by Jean Merle, called Grandjean, filed in Registry, saying that he has heard that one D'auvergne, goldsmith, when interrogated, has declared that he has silver belonging to different persons, but did not include the appearer amongst them. He declares that D. has a quantity of that metal owned by him, destined to fabrication of a snuff box and other works. Signed: "Merle," "Henry, Clerk." Document in good condition.

April 25, 1739. **Petition for Permission to Sell Real Property.** Addressed to M. de Salmon, Intendant, by Antoine Roux, called La Fleur, for leave to sell 18 feet of ground by usual depth on Bourbon Street, adjoining Sr. St. Jullain on one side and Sr. Lavergne on the other. Signed: (+) mark of Antoine Roux.)

April 25. Permit to sell after compliance with usual formalities. Signed: "Salmon."

May 11, 1739—Sheriff Lenormand certifies that he has published and posted above sale three times, without any protest whatever. Signed: "Lenormand."

April 25, 1739. **Marriage Contract** before Henry, notary, between
 (11364)
 (2590)
 Fo. 12.
 8½pp.

Sieur Francois Louis Jean Caüe, Guardian of the King's store in the army marching against the Chickassaws, son of deceased Sr. Francois Caüe, former alderman of Calais, and of Dame Anne Gondolfo, a native of Calais, parish of Notre Dame, Bishopric of Boulogne; and Demoiselle Francoise de Villemont, daughter of deceased Sr. Henry Martin de Mirebaize, Squire de Villemont, and of Dame Antoinette Fourier, a native of Vallé, Bishopric of Poitiers. Signed: "Caüe," "Francoise de Villemont," "Bienville," "Salmon," "veuve Rivard," "Mergery Salmon," "De Kernion Huchet," "Louboey," "Jeanne de Kernion," "d'Hautrive," "d'Hautrive," "Le Chvr. De Diederich," "Prevost," "Delaplace," "Senet," "Noyan," "de Noyan," "Tixerant," "Le Bretton," "Du Breuil," "Marie Tixerant," "Marie Carriere," "Pierre Roux," "Marie Anne Carriere," "le Bretons," "Cendret," "Carriere Cendret," "Jahan," "Gautrelle," "Prat," "Destrehan," "veuve Carriere," "Delachaise," "J. Bancio Piemont," "Marie Du Breuil," "Darensbourg de la Chaise," "Du Breuil fils," "Delachaise Du Breuil," "Roumier," "Henry, Notary."

May 2, 1739. Demand by Attorney General of the King that above contract be registered according to its form and tenor. Signed: "Fleuriau."

May 2, 1739. Aforesaid contract of marriage having been read aloud before the Superior Council, Council orders that it be registered that it may be executed according to its form and tenor, which was immediately done. Signed: "Henry, Clerk."

August 17, 1740. Sr. Jean Caüe and Francoise de Villemont, his wife, acknowledge that they have received from Antonia Fourier, formerly widow of Rivard, and previously of Henry Martin de Mirbaize, the sum of 3000 livres, (negroes named and appraised), for which they have given said Antonia Fourier full discharge. Signed: "Caüe," "Francoise de Villemont Caüe."

April 25, 1739. **Marriage Contract** between Francois Goredeau
 (9747)
 and Catherine Labrat, widow of Jean Bosselier.
 (Last page missing.) Henry, Clerk of Council.

April 25, 1739. **Power of Attorney** to (blank) by Jean Baptiste Senet, empowering him to claim and collect all the said J. B. Senet may have inherited from Louis Senet; to sell, transact business or to make such amicable settlement as his interest may require. Signed by Senet, F. Galhok, Roumier, J. Houret and Henry, Clerk.

April 26, 1739. **Partnership Agreement.** Before Notary Royal, (11373)
Fo. 12. Claude Vignon, called La Combe, now in partnership with Sr. de Chavannes, has entered into agreement to form partnership with Jacques Chenier, into which association Sr. de Chavannes enters, for the manufacture of tar, the previous partners having 16 negroes engaged therein, and Sr. Chenier having but two he shall be entitled to one-fifth of the profits. Clauses and conditions specified. Signed by "Chenier," "Vignon La Combe," "Roumier," "Jahan," "Henry, Notary."

April 27, 1739. **Marine Survey.** Sr. Livaudais accompanied by Clerk of the Council, acting for the Admiralty, (11380)
Fo. 12. visits the ship "Le St. Pierre," and not finding her in safe condition, orders repairs. Signed: "Livaudais," "Sr. Labat," "Henry, Clerk." 2pp.
Stained and in parts so pale as to be almost illegible.

April 27, 1739. **Petition of Recovery.** J. B. Banco Piemont, charged with the lading of the ship "Marie Françoise" of La Rochelle, had contracted with Mr. DuBreuil for a specified lot of lumber, which is not furnished as agreed. Let Mr. DuB. be cited to fulfil the contract, and to pay damages and interest from date of April 1, till agreement be met. 2pp.
39⁸³
See 39⁸⁴
39⁸⁵
C 39²⁴

April 28, 1739. **The Same.** Letter to Mr. Henry, Notary Royal, (11382)
1 P. N. P. by Mr. Livaudais, who states different payment of wages to crew of the ship of Mr. de Coustilha. Signed: "Livaudais."

April 28, 1739. **Memorandum of Expenses.** Statement of expenses incurred by crew of the ship "La Marie Françoise" of La Rochelle. Salary and various provisions; total 2204 1-2 francs. (Error in reckoning, if items be correctly transcribed. Actual total, 2104 1-2 francs). Signed: J. Banco Piemont. 1p. No. 39⁸⁴
See 39⁸³
39⁸⁵

April 28, 1739. **Petition to Interplead Co-Debtors.** Mr. Joseph DuBreuil moves for the citation of Mr. Lassus Marsilly and the Reverend Capuchin Fathers, half partners, towards furnishing lumber to Mr. Banco Piemont. Order permitting it.
 3pp. No. 39⁸⁵.
 See 39⁸³.
 39⁸⁶.

April 28, 1739. **Defense in Timber Suit.** Mr. DuBreuil answers, averring he is only half responsible, in view of of his contract with Mr. Marsilly and the Capuchin Fathers; has been delayed by serious and unavoidable accidents (injured workmen, especially). Wood is ready to move, and he will start raft on Monday next. He craves respite of time. No note by Court.
 2pp. No. 39⁸⁶.
 See 39⁸⁵.

April 29, 1739. **Notarial Act** between Thomas Remont and his wife, Therese Temon, stipulating that the survivor inherit all the property that the other may possess individually or in community at the time of his or her death. Act signed before Sieur Haussin and signed by Phonissy, Maieux, Philippe Haineaux. Marks of Thomas Remont and Therese Temon, who can not write nor sign. Countersigned: "Potin, notary." Certified by Henry, chief clerk of Council.

April 30, 1739. **Marriage Contract** between Joseph Pellerin and Elizabeth Gauvrit. Signatures of Mathurin, Pellerin, Marie Elizabeth Gauvrit, Dalcour, De Gauvry, Fleuriau, Le Chev. Dorgon, Roumier, de Benage, F. Galhok, Henry. 6 pp. Ratification of above contract signed: "De Gauvrit," "Henry."
 (9757)

April 30, 1739. **Marriage Contract.** Before Notary Royal, between Sr. Francois Goudeau, Chief Surgeon at the Post of Natchitoches, son of deceased Charles Goudeau and of Dame Marianne Derny, a native of La Rochelle, parish of St. Remy, Bishopric of La Rochelle, and Demoiselle Marie Pascal, daughter of deceased Sr. Jean Pascal, during his life master of a ship of the Company of the Indies, and of Dame Elizabeth Real, now married to Sr. Francois Marin. Signed: "F. Goudeau," "Delachaise," "Marie Pascal," "Marin," "Trenaunaye Chanfret," "Ozenne," "Sauvrint," (apparently), "Roumier," "Jahan," "Henry, Notary."
 (11389)
 (2595)
 Fo. 12.
 7pp.

(11395) May 2, 1739. Demand by Attorney General that the aforesaid contract of marriage be registered. Signed: "Fleuriau."

(11396)

At session of Council held May 2, 1739, aforesaid marriage contract was read aloud and Superior Council ordered that it be registered in order to be executed according to its form and tenor, which was done in Fo. Vo. 42 in New Orleans, on said day, month and year. Signed: "Henry, Clerk."

April 30, 1739.
2pp. No. 39⁸⁷.
See 39⁷⁰.

Decision in Maritime Suit. Council, acting as Court of Admiralty, permits Mr. Pierre Labat to dismiss his crew. Concomitant provisos. Largely faded.

May 3, 1739.
1p. No. 39⁸⁸.
See 39⁴⁵.
39⁶⁷.
39¹²⁰.

Court Summons. Sheriff Le Normand notifies Attorney D'Auseville to appear on the first Saturday of June, at 9 a. m., in response to Mr. G. Pery's plea, whereof notice was served on March 27.

May 3, 1739.
1½pp. No. 39⁸⁹.

Petition of Recovery. Dr. Prat, royal physician, here acting for his brother in France, claims 136 1-2 francs from Francois Haville, due on note dated August 30, 1729.

June 3.

Action allowed. Salmon. Notice served on June 4. (faded).

May 4, 1739.
(11397)
(2596)
Fo. 12.
2pp.

Claim for Salvaged Goods. Declaration filed in Registry of Superior Council by Sr. Jean Baptiste Bancio Piemont, that he sold to one Joseph Octavio Perfuto, a Spaniard, 1900 bolts of merchandise, as per invoice, payable in cacao. Deponent has heard that Sr. Perfuto's boat sunk at the Balize, but that the cargo of cacao was saved, and he makes the foregoing declaration to serve as needs be, insisting that the said cargo of cacao belongs to him for his having paid for it with the merchandise given. Signed: "J. Bancio Piemont."

May 4, 1739.
(11400)
(2597)
Fo. 12.
7pp.

Claim for Accounting. Petition to M. de Salmon by D'Auseville, Attorney of Vacant Estates, for papers concerning succession of deceased Sr. Dusable, and proces verbal, of sale of goods of said estate. He prays him to order Sr. de La Chaise to pay him the sum of 4987 livres, 5s., due Dusable estate on the one side and that of 729 livres, 10s., as the proceeds of sale of the horned cattle of Sr. St. Jullien, deducting however, the costs of court, which were blank in the proces verbal furnished by de la Chaise, also

- deducting sums received from Marion and Bertrand Dauphine, in this city. Signed: "D'Auseville."
- May 4.
(11403) De La Chaise answers that he is responsible for the sums received from deceased Dandonneau's succession; that it was impossible to get returns of objects mentioned in proces verbal of sale; that there is no money in this Post of Natchitoches, that even the troops are paid in merchandise from the King's store. As there are no sargents nor sheriffs in Nachitoches, it would be necessary for the Intendant-Commisary jointly with the Governor to issue orders to Mr. de Saint Denis, the Commandant, in order to insure execution by the troops. Signed: "Delachaise."
- May 5.
(11406) Decision by Salmon, who after due deliberation prays M. de Bienville to order the Commandant of Nachitoches to enforce payments with means at his command since there is no sheriff. Signed: "Salmon."
- May 5, 1739.
(11406) **Order** to Mr. de St. Denis to lend assistance to said de la Chaise in case of need. Signed: "Bienville." This document is badly stained and almost in shreds.
- May 5, 1739.
1p. No. 39⁹².
See 39⁹¹.
39¹⁸⁴. **Report of Decision.** Dame Francoise Reullan, sometime widow of Sieur Pellerin, now wife of Sieur Dupare, vs. Attorney D'Auseville. Council orders payment to defendant of 600 francs, from goods movable of late Baldic, in the way of preferred credit after Company alone. Salmon.
- May 7, 1739.
(11398)
1p. **The Same.** Sr. J. B. Bancio Piemont files report in the Registry of the Superior Council that the merchandise he sold to Don Joseph Octavio, having arrived at the Port of this city, he went on board where they were under requisition of Don Octavio, who asked him to store them for his (Don O's) private account. As Sr. Piemont notices that some bolts have been soaked, he would wish to have them unloaded and examined in order to assume no risks. Signed: "J. Bancio Piemont," "Henry, Clerk."
- See (11412)
May 9.
(11425)
May 16.
- May 7, 1739.
(11411)
(marked 9.) **Invoice of Merchandise** given by M. Ferchaud to Cloupet, pilot, to sell at San Domingo, either on half of profits or on a commission of 10%, as preferable to said Cloupet. Invoice covers, in

close script, quantity of each kind of Mdse. numbers and price carefully detailed and below said invoice another statement and conditions agreed on, with acknowledgement signed by Cloupet of having received said merchandise.

May 9, 1739.
(11412)
(2599)
Fo. 12.
1½ pp.

Proces Verbal Covering Inquiry into Damages to Cargo. Clerk of Council, accompanied by Sr. Jean Gonzales, inn-keeper of this city, visits Sr. Bancio Piemont's store to investigate, in the presence of the above named and two witnesses, the damage done to merchandise of Don Joseph Octavio Perfuto, who having no suitable lodging to store his merchandise, has intrusted them to Sr. Bancio Piemont. Details of damage and means used for preservation. Signed: "Gonzalle," "J. Bancio Piemont," "Henry, Clerk." Stained but perfectly legible.

May 9, 1739.
1p. No. 39⁹⁰.

Decision in Suit. Sieur Pradel, attorney for Widow Morin, vs. St Martin Jaurequibery. On presentation of certain receipts or vouchers, plaintiff's claim is to be allowed and meanwhile both parties shall push debtors of Morin estate. Costs on plaintiff. Salmon, Fleuriau, La Freniere, Raguet.

May 10, 1739.
(11554)

Report Filed in Registry by Baudemont, called Des Loriers, that he has furnished to a negro, negress and their two children, hired from the Poupart estate, clothes and covering to the amount of 40 livres, having hired them from Sr. Thomelin for.....years. (Margin torn). Signed: "Baudemont dit delorier."

May 11, 1739.
(11414)
(2600)
Fo. 12.
6pp.

Sheriff's Sale of Various Merchandise. On demand of Mr. Mayeux de Lormaison, following order of M. de Salmon. After publications of same made by sheriff, the Clerk of the Council went to Mr. Mayeux's house and there cried the merchandise, which was adjudicated to the highest and last bidder. List of merchandise with price of adjudication and to whom adjudicated. Signed: "Lenormand."

May 13, 1739.
(11420)
(2601)
Fo. 12.
3pp.

Exchange of Real Property. Sr. Michel Brosset and Helene Cheval, his wife, on one side, and Sr. Louis Cheval, associated with them in the manufacture of tar, on the other side, make the following exchange: Sr. Brosset transfers to Sr. Cheval lot No. 303, Bourbon Street, adjoin-

ing Sr. Cheval's land on one side and that of Sr. Daniel Rasteau on the other, and said Cheval conveys to Sr. Brosset lot and house thereon situated at 115 Bourbon Street. Signed: "Cheval," "Brosset," "Dame de Brosset," "Roumier," "Jahan," "Henry, Notary."

May 13, 1739.
1p. No. 39⁹¹,
See 39⁹².

Petition of Recovery. Francoise Ruellan, widow of Sieur Pellerin, found two notes in his favor by the late Mr. Baldic, to combined sum of 600 francs. Let Attorney D'Auseville be ordered to pay this claim as preferred credit; Mr. Pellerin having been a royal storekeeper.

(May 14.)

Judge Salmon refers the matter to Attorney General, who sanctions the claim and orders it paid from Baldic estate funds, if Attorney of Vacant Estate holds any, by way of preferred credit after Company.

May 15, 1739.
1p. No. C 39⁶.
See B38⁷.

Report of Dead Slave. Mr. Estienne de La Lande Dalcour, still again the same husband of Madame Marie Marguerite Cailly, widow of Mr. De La Chaise, files record of the death of a negro named Sambaya, while under treatment for smallpox.

The. Cape,
May 15, 1739.
2pp. No. 39⁹³.
See 39⁹³.

Letter of Seignette Dujardin to Paul Rasteau, his Nephew. Advising shipment of two large demijohns of lemon juice; also, he sends a parcel of lemon seeds, and a consignment of articles for Mr. Fabry, which P. R. will please to deliver. Repeats request for some cardinal birds, and caged ones, (not wild). Speedy remittance of uncle's funds would be acceptable. Uncle will sail for France on June 5; address him at La Rochelle.

May 15, 1739.
(11423)
(2602)
Fo. 12.
1½pp.

Default Against Contractor. Sr. J. Bancio Piemont files report in Registry stating that Sr. Du Breuil, contractor for public buildings for the King, following decree of Council had obligated himself to deliver to him 1000 boards during the first fortnight of this month on which he has only furnished 592 boards, that his boat will not hold more than 700 and that in default of said Du Breuil having delivered the full quota, he is fully authorized to refuse any more. Signed: "J. Bancio Piemont," "Henry, Clerk." Slightly stained.

May 16, 1739. **Agreement Regarding Cacao.** Sr. J. Bancio Piemont files report in Registry that following his agreement with Don Joseph Octavo, he has freighted a shallop to go for the cacao which he was to give in exchange of the merchandise received from Sr. Piemont, which cacao will remain at the declarer's risk from the day it reaches La Balize. Signed: "J. Bancio Piemont," "Henry, Clerk."

(11425)
(2603)
Fo. 12.
22pp.

May 18, 1739. **Procuration.** Before Notary Royal, Gaspard Belhomé, master tailor of New Orleans, grants power of attorney to (blank) to act for him in all that relates to succession of deceased Pre Esniere until revocation of same. Signed: "Gasbar boxnno," "Roumier," "Jahan," "Henry, Notary."

(11428)
(2604)
Fo. 12.
2pp.

May 21, 1739. **Receipt for Debt.** Before Notary Royal and witnesses, Francois Brunet, blacksmith, and Jeanne Huber, his wife, tender receipt to Sr. Raymond Amyault D'Auseville, for payment of 430 livres, 1s., 6d., which discharges said D'Auseville from any other responsibility on returns of succession of deceased Thomas Auly. Signed by Brunet, Roumier, Lenormand and Henry, Notary.

(11430)
Fo. 12.
(2605)
1p.

May 21, 1739. **Petition for Partition.** Before Notary of Illinois, Louis Turpin, resident at Kaskaskias, petitions for amicable division of estate of deceased Jean Baptiste Turpin, in his name and in that of the other heirs, following inventory which was drawn up amicably, said division to take place in the presence of Srs. Jean Paré, Ignace Hebert, Fr.....Becquet, J. B. Becquet and Charles....(I), relatives and friends of said heirs.

(11429)
(2606)
Fo. 12.
3pp.

(I) missing in text; document in very bad condition; parts missing. This document is certified by "Jerome, clerk," in Illinois as the second copy furnished.

(11449)
3pp.

Oct. 17, 1740: Petition to M. de Salmon, Intendant, Commissioner of the Marine and First Judge of the Superior Council of Louisiana, by Louis Metivier, resident of Fort Chartres, husband of Marie Fafart, in the name of Marguerite Fafart, his wife's sister, wife of deceased Jean Baptiste Turpin, and mother of his son, Jean Baptiste Turpin, Jr., recounting that Louis Turpin obtained judgment under false pretences in his sister's absence and he has therefore been ob-

liged to appeal and prays to be allowed to produce evidence of Marguerite Fafart's good conduct and to prove that the separation with her husband was due only to his ill treatment and in order to preserve her life and that of her son, asking that judgment rendered by Sr. de la Loere Flaucourt be revoked and Louis Turpin sentenced to pay costs incurred and those pending. Signed: "Metivier."

- (11431) Feb. 10, 1741: Testimony of Michel Vien of the Post of Detroit, that he witnesses two attacks of Jean Baptiste Turpin against his wife, Marguerite Farfat, with an axe and a gun, with intent to kill. Signed: "Vien," "Marcellin," "Pierre Bonniez, T. M." Marked collated copy; still signatures seem to be autograph ones. Document in bad condition.
- (11432) April 17, 1741: Testimony of Pierre St. Yues, resident of Kaskaskias, formerly of Detroit, that if Turpin's wife left him it was owing to ill treatment and to save her life. Signed: "(+) mark of Pierre Sentiue," "Chabot, witness." Countersigned by "Jerome, Clerk." Collated at Fort Chartres.
- (11434) April 18, 1741: Testimony of Jean Baptiste Pindret that Marguerite Farfat is a good and honest woman who was compelled to leave her husband by ill treatment. Signed: "Mark of Pe de Labrier," "Derite, witness," "Chabot, witness." Collated at Fort Chartres, countersigned by Jerome, clerk at Illinois.
- (11436) April 18, 1741: Testimony of Pierre Du Roy, dt. Delorier, resident of Illinois, formerly of Detroit, that Marguerite Farfat is a brave and honest woman compelled to leave her husband by ill treatment. Signed: "(+) mark Delorier", "Fleur D'Orange, witness." "Joseph Lasourse, witness." Collated at Fort Chartres and countersigned: "Jerome, Clerk."
- (11437) May 3, 1741: Jean Paré, now residing in Illinois, testifies that when at the Canadain Post, he heard the inhabitants speak of Jean Baptiste Turpin as ill treating and beating his wife. Signed: "Paré," "Remunt, witness." Collated at Fort Chartres and signed by Jerome, Clerk.
- (11438) Dec. 26, 1736: J. P. Mercier, Superior of Foreign Missions, writes to Mrs. Marie Farfat at Fort Chartres, that information has failed to

show that "little Turpin, killed by the Chick-assaws, had changed his religion." Autograph letter of "J. P. Mercier, Priest." Collated copy at Fort Chartres, May 4, 1741, signed by Jerome, Clerk.

(11441)

March 24, 1741: Simon Charpentier, sheriff royal at Fort Chartres, Ill., went to Kaskaskias to serve notice on Joseph Turpin, at the same time leaving him a copy of judgment rendered Oct. 22, 1740, asking him to discharge Metivier from repairs of house of which said Turpin kept the keys and would not give them to Metivier when he came to work. Signed: "Charpentier, sheriff."

(11443)

Dec. 29, 1740: Declaration of Louis Metivier that he appealed from judgment rendered by Sr. de La Loere Flaucourt, chief secretary of the Marine and subdelegate of M. de Salmon in Illinois, on June 15, 1739, in favor of Sr. Louis Turpin and consanguineous heirs and brought it before the Superior Council in New Orleans for default of notices served on heirs who will produce witnesses. Signed: "Jerome, Notary Clerk."

(11446)

Dec., 1741: Simon Charpentier, Royal Sheriff in Illinois, has notified Sr. Louis Metivier, residing at Fort Chartres, that Sr. Louis Turpin has anticipated appeal made to Superior Council on date of Dec. 20, 1740, wherefore Sr. Metivier is cited to appear in New Orleans before the Council within three months to produce witnesses and show cause why previous judgment should not be executed. (Not signed).

(11447)

Jan. 3, 1741: Notice served by Sheriff Charpentier of Illinois on Sr. Louis Turpin to appear before the Superior Council in New Orleans in the course of the month of May, following decree of June 15, 1739, in default of which he will be thereto compelled by justice. Signed: "Charpentier, sheriff." Collated by clerk and notary, May 24, 1741. Signed: "Jerome, Notary Clerk."

(11458)

....., 1741: Following order of June 15, 1739, notice served on Sr. Louis Metivier and Sr. Louis Turpin at Kaskaskias, leaving copy of notice and warning them to penalties in case of non appearance. Signed: "Charpentier, sheriff."

Documents numbered: 11429, 11449, 11431, 11432, 11434, 11436, 11437, 11438, 11441,

11443, 11446, 11447, 11458 are tied together and generally in bad condition, some having parts missing, stained and edges ragged and sometimes entirely destroyed.

- May 21, 1739. **Procuration.** Before Notary Royal and witnesses. (11453)
Fo. 12.
(2607)
3pp.
Marie Barbe Le Conte, widow of Jacques Robert to (blank) in all matters concerning succession of Jacques Robert from whom she inherits through her deceased son who was aged nine years at the time of his death and who survived his father two years. With this power of attorney is a copy of her marriage act, dated June 3, 1721, and acts of decease of her husband and son, according to the custom of Paris. Signed: "Jahan," "Roumier," "Henry, Notary." Widow Robert declared that she could not write nor sign.
- May 22, 1739. **Petition for Contingent Security.** Mayeux de Lormaison reviews a wearisome chapter of obstructions in his vain pursuit of a certain claim on the Marsaut heirs in France, wherein he delegated his powers to one....., who fails to report. The petitioner now requests that his principals, Ducret and wife, secure him for costs, in case their claim could not have been collected for lack of sufficient vouching. (Faded)
See 37147.
See 39152.
39104.
- May 22, 1739. **Suits for Debts.** Claude Trenaunnay Chanfret
1p. No. 3995.
See 3996. 3915014.
claims 100 francs from one Dalbert Groux, settler at Pointe Coupée, due on his note of Oct. 10, 1738.
- 1p. No. 3996.
See 3995 3997.
3915013.
May 22. Same plaintiff claims 1149 francs from Estienne De Cuir, settler at Pointe Coupée, due on his note of Oct. 24, 1738.
- 1p. No. 3997.
See 3996. 3998.
3915011.
May 22. Same Plaintiff claims the sum of 1432 francs from Sieur Gueho, settler at Pointe Coupee, due on three specified notes.
- 1p. No. 3998.
See 3997. 3999.
3915010.
May 22. Same Plaintiff claims 72 1-2 francs from Langevin, settler at Pointe Coupée, due on his note of Oct. 21, 1738. Ragged edges.
- 1p. No. 3999.
See 3998. 39100.
3915017.
May 22. Same Plaintiff claims 98 1-4 francs (also stated, 85 1-4 francs), from one Lemoine, settler at Pointe Coupée, due on his note of Oct. 9, 1738.
- No. 39100.
See 3999. 39101.
3915015.
May 22. Same Plaintiff claims 58 francs from Jean Francois Pascovy, due on his note of Oct. 8, 1738.

- 1p. No. 38¹⁰¹.
See 39¹⁰⁰. 39¹⁰².
39¹⁵⁰16. May 22. Same Plaintiff claims 335 francs from Jean Baptiste Pousseau, settler at Pointe Coupée, due on his note of Oct. 19, 1738. Action forward, May 27.
- 1p. No. 39¹⁰².
See 39¹⁰¹. 39¹⁰³.
39¹⁰⁵12. May 22. Same Plaintiff claims 346 francs from Ronlot, settler at Pointee Coupée, due on his note of Oct. 9, 1738. Action forward, May 27.
- 1p. No. 39¹⁰³.
See 39¹⁰². 39¹⁵⁰⁹.
C40²¹. May 22. Same Plaintiff claims 480 francs from Roquancourt, settler at Pointee Coupée, due on his note of Oct. 30. 1738. Action forward, May 27.
- May 23, 1739. **Decision in Collection Suit.** Mayeux de Lormaison vs. Ducret and wife. In view of Plaintiff's transfer of his power of attorney to one La France, plaintiff shall pay the given claim of 600 francs to Ducret, subject to security furnished by La France. If collection be not forthcoming, plaintiff's advance shall be refunded. Costs reserved. Blurred and faded. Salmon, Fleuriau.
- May 23, 1739. **Letter of..... to Paul Rasteau.** Bespeaking Rochefort. Mr. R.'s favor towards the bearer, Mr. Du-Chenay, King's writer on board "Le Profond."
2pp. No. 39¹⁰⁵.
- May 27, 1739. **Suit for Debt.** Castan, called Toulouse, settler at Cannes Bruslees, claims a residue debt of 240 francs from Cariton, as shown by details duly adduced. Ragged edges.
1p. No. 39¹⁰⁶.
See 39¹²¹1.
- May 25, 1739. **Acknowledgment of Wife's Paraphernal Claims.** (11459) Nicolas Ducret, called Belhumeur, acknowledges that he received from Marie Jeanne Péré, his wife, a sum of money which Marsant, deceased, owed her when she was the widow of Andre Chatellain, which sum was used in the present community and reimbursed by Mayeux de Lormaison following a decree of the 23d inst. as agreed between the parties. Signed by "Jahan," "Henry, clerk."
Fo. Vo. 12.
(2609)
- May 25, 1739. **Acknowledgment before Notary Royal by Nicolas Ducret, called Belhumeur, and his wife Marie Jeanne Péré, of having this day received from Sr. Mayeux de Lormaison the sum of 600 livres, for payment of which Sr. Francois Songy, called La France, has willingly signed bond for**
(11457)
Fo. Vo. 12.
(2608)
1½pp.

above mentioned sum, in case of Marsant be not paid by his heirs, Sr. and Dame Ducret obligating themselves solidarily for payment of same. Signed by Songy, Roumier, Jahan, Henry, Notary.

May 25, 1739. **Collated Copy** of receipt to M. Tixerant for 333 piastres due to Carriere, on date of April 9, 1730, signed by Joseph Carriere, brother of Carriere, in whose favor note was made. Collated by Notary Royal of Illinois May 25, 1739. Signed: "Barroiz." Water stained and almost illegible.

May 28, 1739. **Partnership Account** between Jean Baptiste Prévost, Couturier and Rasteau, who have computed acquests made in partnership up to date and they reiterate the same agreement with the exception of Sr. Prévost who renounces future acquests acknowledging that he has withdrawn his full share and thereby Srs. Couturier and Rasteau remain sole possessors of acquests to be made hereafter on conditions enumerated in said act of partnership. Signed: "Prévost," "Couturier," "P. Rasteau," "Jahan," "Lenormand," "Henry."

(11466) (Part of act of sale). Acknowledgment by Srs. Couturier, Rasteau and Prévost that they are fully aware of condition of plantation purchased since Mr. Desclozeaux is in possession of same and on conditions stipulated in said act of sale which they accept and state that they have paid 50,000 livres as stipulated in said act passed on the ninth of last September, etc. Signed: "Bobé Descloseaux," "Couturier," "Jahan," "Rasteau," "Prévost," "Henry, Notary."

(With 1739) (11466) 1½pp. On date of August 9th, on demand of Mr. Jean Baptiste Bobé Descloseaux, vendor of above mentioned plantation, Messrs. J. B. Prévost, Francois Joseph Couturier and Paul Rasteau, purchasers in partnership, have furnished act that the objects mentioned in list of Mr. J.B.B.D. after having been collated with statement furnished purchasers were remitted to Mr. and Mrs. D'Hauterive and said sale was accepted by Mr. and Mrs. D'Hauterive on clauses and conditions laid down by Sr. Descloseaux. Signed by Couturier, Prévost, P. Rasteau, Jahan and Henry, Notary.

(11468)

On date of May 29, 1740, Sr. René Renaud D'Hauterive and Charlotte Bossua, his wife, tendered receipt to Srs. Couturier and Rasteau for the sum of 15,000 livres, first payment made on plantation sold to Sr. Bobé Descloseaux and ceded by him to Srs. Couturier and Rasteau. Signed: "D'Hauterive," "Henry, Notary."

May 30, 1739.

(11469)

(2612)

Fo. Vo. 12.

2pp.

Power of Attorney to Dame Francoise Ruellant, wife of Sr. Jean Baptiste Dupar, officer commanding Swiss troops of Karrer Regiment-who says he is leaving for France, on account of his health. He empowers her to direct his affairs in the Colony, of any nature whatever, until revocation of same. Signed "Dupare," "Roumier," "Jahan," "Henry, Notary."

(To be Continued)



INDEX TO THE SPANISH JUDICIAL RECORDS
OF LOUISIANA

III.

Notorial Acts, 1770.

(Continued from April, 1923.)

1770.—July 2nd.

Declaration of Inventory.

Perret in favor of Angelica.

No. 10720. pp. 97016-97017.

Jean Baptiste Maroteau, Francisco Goudeau, Francisco Caminada.

Garic, Notary of the Cabildo. Juan Perret declares that the negress Angelica has the following items in her house. An inventory of the contents of the house is given, and signed by

July 3rd.

Procuration.

Chantalou to Ducros.

No. 10721. pp. 97018-97019.

Garic, Notary of the Cabildo. Augustino Chantalou before leaving for France, to Joseph Ducros, Regidor Perpetuo and General Receiver, or, in case of his death or prolonged ab-

sence, to Francisco Langlois as substitute to attend to all his affairs while he is away.

July 3rd.

Declaration.

Mateo Otay.

No. 10722. pp. 97020-97021.

Francisco Maria de Reggio, acting as Alcalde in the absence of Louis de la Chaise de St. Denis. Matieu Otai declares that he traveled on the river in a transport (voiture) loaded with

calves, pigs and sheep, arriving here at about eight o'clock in the evening. He had for his companion on the voyage Joseph Ganue or Gaviur, both engaged by Antoine Stornel to make the trip down from Pointe Coupée. They spent the night on board, he sleeping fore, and his friend aft. The declarer states that during the night he heard a noise as if something had fallen, which he thought must be one of the pigs that had jumped off the barge. He called the name of his comrade, but could not find him anywhere on board, and upon examination found his hat and handkerchief which he had had on his head. The declarer believes that the noise he had heard was his friend falling overboard. With the aid of several others on board, a thorough examination was made, but nothing further was ever seen of his friend. The declarer makes this statement, and signs it with his mark. Jacques Blanceurd (Blanchard) declared that the above mentioned Joseph Gasiuo, or Gaviur, is from the same country as himself, namely Sables Doloune, and that he is the son of Joseph Gavieur and Marie Mastine.

1770.—July 5th.

Partition.

Madames Vilmont, Granprie, and others in the succession of M. de Chantilly.

Garic, Notary of the Cabildo. Marie Francoise Petit de Coulange, widow of Robert Gerard de Villemont; Therese Gallard, widow of Mr. de Grandpré, and Genevieve Gallard, wife of Charles Lesassier, each

heir to one-third of the succession of Francois Gallard de Chantilly and one-fourth of the succession of Marianne Hervicun.

July 5th.

Petition.

Alexandre Harang, curator to the minors Roman.
No. 10723. pp. 97022-97026.

To Alferez Real Francisco Maria de Reggio. Jacques and Joseph Roman, minors, heirs to their parents, Joseph Roman and Marie Joseph Daigle, petition that a valuation be made of their patrimony and that an account

be rendered by Mr. Daigle, their tutor. They choose and name as their curator their brother-in-law, Alexander Haran, or Harang, whose father, Louis Haran or Harant, will be his security. They further petition for their act of emancipation. Petition granted. Alexandre Haran is notified of his appointment as curator to Diego (Jacques) and Joseph Roman, who must accept, and take oath, and who will represent their interests in the suit which they prosecute against their tutor, Esteban Daigle. All legal requirements having been complied with, the Court confirms the appointment of Alexandre Haran as curator ad lites to the minors Roman.

July 8th.

Procuration.

Alex. Harang to Depre.
No. 10724. pp. 97027-97028.

Garic, Notary of the Cabildo. Alexandre Harang as husband of Marie Joseph Roman, and curator ad lites to Diago and Joseph Roman, his wife's minor brothers, and empowered

by Gabriel Fusilier de la Claire, widower, receiver for his minor children by the deceased Juana Roman, all children and heirs of the deceased Joseph Roman and Marie Joseph Daigle, their parents. All heirs of the Roman estate appoint as their attorney Henrique Desprez, to defend their interests in all suits prosecuted for or against them, in their proceedings to demand an account of the administration of their estate from their tutor, Mr. Daigle.

July 9th.

Procuration.

Courtablau to Mazange.
No. 10771. pp. 97206-97207.

Garic, Notary of the Cabildo. Santiago Courtablau to Leonardo Mazange, to represent his interests in all law suits and business transactions as the case may require, particularly in the law suit which Courtableau is about to prosecute, or any legal action which may be brought against him.

July 9th.

Partnership.

Macnemara with Conway.
No. 10725. pp. 97029-97032.

Garic, Notary of the Cabildo. Bartolomeo Macnemara, and Mauricio Conway, a tanner, form a partnership to conduct a tannery. Conway occupies the tanyard, having begun

the Company on April 1st of this year, which consists of houses, lots,

mills, large earthen jars and other necessary articles, which Conway bought from Pictet, and exchanged with Caminada. Besides the above named articles there is a negro named Lemmerik, and three horses and all the instruments belonging to and necessary for the said tannery. All valued at 1455 pesos, 4 reales. This is divided into two parts, and Bartolomeo Macnemara pays Mauricio Conway 767 pesos, 6 reales, for the one-half interest. Conway states that he has received the money, and that he is satisfied.

1770.—July 10th.

Receipt.

La France to Vinet.

No. 10726. pp. 97033-97034.

Garic, Notary of the Cabildo. Jean La France acknowledges to have received from his tutor, Francois Vinet, 16 head of live stock as his share of the successions of Jean La France

and Christine de Lery, his mother and father.

July 11th.

Procuration.

Gaspardo Pictet to

Leonardo Mazange.

No. pp. 100,037-100,038.

Garic, Notary of the Cabildo. Gaspardo Pictet, in his own name and acting for his late partners operating under the name of "P. & de C.", and other gentlemen, appoint Leonardo Mazange as their attorney to act for

them, and to represent their interests in all legal proceedings.

July 12th.

Emancipation

Mmes. Grandpré Villemont,

etc., free a negress, Angelica.

No. 10727. pp. 97035-97037.

Garic, Notary of the Cabildo. The-reza Gallard, widow de Grandpré, Maria Francisca Petit de Coulange, widow of Pedro Robert Gerardo de Villemont; Genevieve Gallard, wife of Charles Le Sassier, and Marie San

Martin, authorized to this end by Andres Carriere, her husband, each one an heir to one-fourth of the estate of their late mother, Mariana Hervieux, grant freedom to a negress named Angelica, aged 45, slave of their mother, for the great love they bear her, and because of her faithful services to their mother. Signed: Galar Grandpré Coulange, widow de Vilemont, Galar Lesassier, Saint Martin Carriere, Santiago Hallays, Francisco Goudeau, E. J. Denis, J. B. Garic.

July 13th.

Sale of House.

Menelet to Renaudin.

No. 10727. pp. 97035-97056.

Garic, Notary of the Cabildo. Joseph Guenard, as tutor to the persons and estates of Magdalena, Izabella, Antonio (Theodore) Menelet (the last two minors), petitions that the house

belonging to the Menelet succession be sold to Renaudin for 380 pesos, and that he be granted permission to have the act of sale drawn up. Luis de la Chaise St. Denis, Alcalde, approves of the sale, and orders the act passed. Joseph Guenard, as tutor, makes a petition declaring that the Menelet succession consists of a house on Saint Peter Street, badly in need of repairs, and besides there are various creditors asking to be paid their just debts, and there are no funds to meet

these obligations. It will be of great benefit to the minors to sell, and to further increase these funds he asks that all the furniture be sold. He asks to be allowed to proceed to the appraisement and valuation of these possessions, and also that witnesses be called to verify his statement as to the condition of the above said house, and that the sale be called for thirty days, and that bids be accepted for the sale. The Court orders the witnesses called. Juan B. Garic certifies that Joseph Guenard is tutor and curator for the persons and estates of Magdalena, Isabel and Nicolas Menelet, and two other minor children absent in France, whose names he does not know, all five children of the deceased Nicolas Menelet and Barba Blocquet, and that he had qualified before the Alferez Real and the present escribano, and that he had been granted the authority for the administration and settlement of the estate. Dated June 9th, 1770. On June 11th, 1770, upon request of Joseph Guenard, tutor and curator of the minors Menelet, Francisco Bijon, called La Violeta, and Francisco Castan, carpenters, under oath give their testimony, stating that the house owned by the Menelet succession is very old, much in need of repairs, and it would be to their best interest to sell. The Court acting on this information orders the house sold at public auction after three public calls are made and bids received. The first public call brings a bid of 240 pesos in cash from Juan de Coudrain. The second public call a bid of 300 pesos cash from Claudio Renaudin. After the third public call Leonardo Mazange outbids Renaudin with an offer of 350 peses, and Juan de Coudrain outbids this offer with 360 pesos. The thirty days having passed, Nicolas Jurdain announces that the highest bid offered for the house is 360 pesos; Claudio Renaudin raises the bid to 380 pesos. The act of sale is drawn up and passed, and signed: Joseph Guenard, Claude Renaudin, Menelet, wife of Garaudet, Elizabeth Menelet Hallays, Francisco Goudeau, E. J. Denis, Juan B. Garic.

Note: (L. L. P.) This is a part of the Menelet succession evidently omitted by mistake from the bound folio of that record. In that document there is a gap, June 30th, 1770, to July 3rd, 1772.

1770.—July 16th.

Settlement.

In account with the creditors of Madame Daunois.

No. 10729. pp. 97057-97062.

Garic, Notary of the Cabildo. Luis Ranson, Leonard Mazange, holding the power of attorney of Gaspard Pictet, Mr. Demouy, Mme. Dumas, Etienne Daigle, Mr. Braquier, Mme. Testas, Mr. DuForest, Mr. Saint Pé,

Hery Duplanty, Jean Durand, Mr. Ducros, regidor perpetuo, and one named Saint Quentin, all creditors of Catherine Hubert Bellair, widow of Fabre (Favre) Daunois (Daunoy), for one part; and Francois Caminada in the name of, and holding the power of attorney of Madame Catherine Daunoy, and Messrs. Le Breton des Chapelles in the name of, and as curator for the Daunoy minors for the other part, hold a meeting before Juan B. Garic to effect a settlement of the debts of the deceased Favre Daunoy. The widow promises to meet her obligations just as soon as possible with the money obtained from the

sale of the slaves which have been judicially sold. At the end of December she will pay the principal debts amounting to 10,000 livres, and that after that she will pay each month in indigo, and will settle all remaining debts as soon as possible. The creditors accept Mme. Daunoy's arrangements for settlement and sign before Juan B. Garic. Signing: Le Bretton, Francoise Caminade, for the widow Daunoy; Hallays Verdun for the widow Dumas; J. H. Durand, Fournier, de Saintpé, Louis Ranson, Widow Testas, Braquier Brothers, Ducros, Dumouy, DuForest, Etienne Daigle, Gaspard Pictet, Fleury, Francisco Gaudeau, Juan B. Garic.

1770.—July 17th.

Receipt.

Beaufort to Poré.

No. 10730. pp. 97063.

Garic, Notary of the Cabildo. Francisco Beaufort holding the power of attorney of Alexis Dorval, resident of Cabe de la Magdalena, under the government of Three Rivers, Canada,

declares that in the partition of the estate of the deceased Mr. Cazelar he has received from Thomas Poré, tutor to the Cazelar minors, the sum of 3674 livres, 3 soldi.

July 19th.

Sale, Real Property.

Pictet to Borne.

No. 10731. pp. 97064-97067.

Garic, Notary of the Cabildo. Gaspardo Pictet, holding the power of attorney of Juan Francisco Vergile (absent) to Francisco Borne, resident of the German Coast, a piece of land

situated at the German Coast for the sum of 270 pesos.

July 23rd.

Apprenticeship.

Simon Tueton to Guidros.

No. 10732. pp. 97068-97070.

Garic, Notary of the Cabildo. Simon Chevrey, tutor to the minor children of the deceased Tueton, or Toiton, enters into contract with Abrehen Guidros to apprentice to him, Simon Toiton, aged 17, to learn the trade of a shoemaker.

July 27th.

Withdrawing a Suit.

Laveau with Le Bougere.

No. 10733. pp. 97071-97073.

Garic, Notary of the Cabildo. Jean Baptiste Laveau in the name of, and as heir to Francois Arnould, to end the legal proceedings which he has begun against Le Bougere and Bel-

leise concerning the payment of the sum of 3000 livres owed to the Arnould succession according to the agreement signed before Notary Garic, April 29th, 1767, hereby voluntarily withdraws his suit.

July 24th.

Sale, Real Property.

Jacobo Monsanto to

Pedro Artigaux.

No. 10734. pp. 97074-97079.

Garic, Notary of the Cabildo. Jacobo Monsanto sells to Pedro Artigaux a piece of land situated five leagues from the city, on the same side, and facing the river, adjoined on one side by Mr. Duvergé and on the other by

the old Fort at a place called English Turn. The land measures 16 anejas (arpents) front by 40 deep, with improvements thereon con-

sisting of a main house raised 5 feet from the ground, resting on blocks of wood. The house contains 2 rooms, 2 cabinets, front and back galleries, and has a shingled roof. The vendor also includes with the sale of the plantation a negro named Cayo, aged 45, and a negress named Maria, but as Cayo has run away he substitutes for him a negro named Hector, and, upon the return of the fugitive, Hector will be returned to the vendor, as he merely replaces Cayo temporarily. The sale also includes live stock, wood, and everything else contained on the plantation. This sale is made for the sum of 900 pesos in coin. The purchaser has already paid 1500 rolls (andouillas*) of tobacco in Natchitoches, at the rate of 2 reales the roll, as will appear from the notes he, the vendor, presents, and which payment he acknowledges as delivered, renouncing the law of "non numerata Pecunia," and for which he grants a formal receipt. Enclosed with this Spanish Act of Sale is a French one to this effect dated May 7th, 1770. Mr. Forstall, holding the power of attorney of Jacobo Monsanto, and Pierre Dartigaux, in the presence of witnesses, draw up the following act: Monsanto sells to Dartigaux a plantation five leagues from the city and on the same side of the river adjoining Mr. Duvergé's plantation on one hand, and the old Fort at English Turn on the other, consisting of 16 arpents front, and the usual depth. The sale also includes a negro named Caye, and a negress called Marie, also all other effects such as furniture, live stock, wood, etc., all for the sum of 4500 livres, to be paid in 1500 carottes of tobacco of the best quality, taken to Natchitoches. This tobacco to be delivered next harvest at the rate of 25 sols the carotte in Natchitoches. Signed Forstall, Dartigaux. Garett and Langlois, witnesses.

1770.—Aug. 1st.

Receipt.

Nicolas Adam to his
Curator, Andres Tete.
No. 10735. pp. 97080-97081.

Garic, Notary of the Cabildo. Nicolas Adam, tailor, declares that he is just about to make a voyage to Santo Domingo, and at his request he has received from Andres Tete, his curator, the sum of 80 pesos as a

part of his share of his father's and mother's estates.

Aug. 2nd.

Receipt for Dowry.

Francisco Cuzin to Mr. Rene,
his stepfather.
No. 10736. pp. 97082-97086.

Garic, Notary of the Cabildo. Francisco Cousin, for one part, and Maria Francisca Renard, widow of Pedro Francisco Cousins, now wife of Esteban Renne, and duly authorized by her husband, for the other part,

declare that Francisco Cousin is the only son and heir to the estate of his late father, and from his death until now this said estate has been administered by his mother, Maria Francisca Renard. An inventory

*NOTE: "Andullo" Spanish in Cuba means plug tobacco. "Andouille" in French means roll or twist of tobacco leaves, but as the word "carotte" appears in the French act it doubtless means that the payment was to be made in rolls or bales of tobacco at the rate of 2 reales, or 25 sols the roll. This is an example of the difference of the French and Spanish methods of drawing up an act of sale. One is in no way a translation of the other. They bear different dates. The Spanish comes first, dated July 24th, 1770, and the French one bound within dated May 7th, 1770.

and settlement of the succession was made before Nicolas Henry, Notary, dated September 5th, 1747. The estate then amounted to 1000 pesos. At that time Maria Francisca Renard received her dowry and what was to have been her share of her husband's estate, as appears by agreement in her marriage contract dated April 5th, 1740. After her claims were satisfied there remained a balance of 410 pesos, which should be the inheritance of Francisco Cousins. Of the portion of Pedro Francisco Cousin's estate which he received, 100 pesos was for the usufruct only, and which must go to her son at her death. Furthermore, Marie Francisca Renard, jointly with her husband, Esteban Renne, give to Francisco Cousin, in the presence of the Clerk of the Cabildo, and witnesses, the sum of 410 pesos, his share of his late father's estate, and promise after his mother's death to deliver to him the 100 pesos of which she enjoys the usufruct only. Francisco Cousin acknowledges this sum as delivered, and grants formal receipt for it. Signed: Francisco Cousin; Francoise Renar for Estevan Renne, Francisco Goudeau. Witnesses, Francisco Goudeau, C. J. Denis, Francisco Caminada, Juan B. Garic.

1770.—Aug. 2nd.

Bond

Fournier and St. Pé to
Henrique Desprez

No. 10737. pp. 97087-97088

formerly Commander and Governor of Pensacola, for the collection of various sums of money due on notes made out in favor of Mr. Broom.

Garic, Notary of the Cabildo. Jean Francois, Fournier and St. Pé, partners, give bond in the suit which Henrique Desprez prosecutes against them in the name of, and as holding the power of attorney of, Mr. Broom,

Aug. 4th

Procuration.

Madame Mazan to
Mr. Montreuil.

No. 10738. pp. 97089-97091.

Garic, Notary of the Cabildo. Maria Francisca Carriere, wife of Balthazar Ponfrac, Chevalier de Mazan, to Roberto Gauthier de Montreuil, to represent her interests, and administer all of her affairs in the colony.

Aug. 4th.

Sale of Slave.

Poirson to Nanette, a negress.

No. 10739. pp. 97092-97094.

disposition, for the sum of 250 pesos.

Notary of the Cabildo (signed copy, name not given). Luis Poirson to Nanette, a free negress, a slave named Maria Juana, aged 18, sound of health, without blemish, and of good

Aug. 6th.

Sale of Brigantine.

Braud to Voix.

No. 10740. pp. 97095-97098.

Saint Peter," 140 tons, with its sails, riggings, anchors and the rest of its necessary parts, all in good condition, and the vessel navigable.

Garic, Notary of the Cabildo. Dionizio Braud, Regidor Perpetuo and receiver of fines, forfeited to the State, to Enrique' Voix, his heirs and assigns, a brigantine named "The

The vendor bought the "San Pedro" from Mr. Charrier of Santo Domingo, as appears from the act of sale in his possession. The present vendor makes this sale for the sum of 4000 pesos. The purchaser agreeing to pay for the brigantine in one payment in the month of January, next, and gives as security a mortgage on all his possessions, but most particularly on the brigantine. A marginal note states that the mortgage was cancelled on May 10th, 1770. Paraphed by Garic.

1770.—Aug. 6th.

Duplicate of a Lost Note.

Hullain to Sulard.

No. 10741. pp. 97099-97100.

of 207 livres, 10 sols, as a balance due on a note, the original having been lost. He obligates himself to pay at the end of the year, and fulfill the obligations of the original note signed March 13th, 1759, and as security he pledges his present and future estate. Gabriel Sulard obligates himself to return this document in case the original note should be found.

Garic, Notary of the Cabildo. Santiago Hullain, resident of the German Coast, declares that he owes Gabriel Sulard, as heir to the deceased Henrique Cresman, the sum

Aug. 7th.

Declaration.

Jacques and others.

No. 10742. pp. 97101-97105.

Notary of the Cabildo, (a signed copy, name not given). Jacques Jeune, Captain of the Brigantine "La Louise", at present in this Port; Joseph Crassous, Etienne Trotabag, second officer and Lieutenant on board the said brigantine; Thomas Songich, name omitted, Dupont, Baptiste Roux, Constantin Real, Francois Frerier, Jean Paul and Leblond, forming the crew of the said brigantine, declare: that when the "Louise" sailed from Cap she carried cargo from Mr. Gagnard consigned to Mr. Lafitte, Jr., merchant of this city. On July 5th of this year, at Mr. Andre's plantation at Pointe a la Hache, Captain Jacques, accompanied by Constantin and Dupont, two members of the crew, embarked in a small boat to go ashore and reach the city by land, so as to arrive there before his ship. The small boat became engulfed and turned over, throwing the occupants into the river. They were saved by swimming ashore. The Captain took with him a valise which contained the ship's papers and letters addressed to private parties in the city. The valise was lost when the small boat turned over. The Captain and his companions went back to the "Louise" and lowered a lifeboat to look for the valise, but it could not be found, and for this reason they make this declaration. Signed: Jacques Jeune, J. Crassous, E. Trotabag, Thomas Songich, Dupont. Enclosed with this declaration is the proces verbal, containing practically the same data given above, and signed by all who could write. Those who could not, made their marks, which were witnessed and certified to.

1770.—Aug. 10th.
Receipt.
 Adam to Guenard.
 No. 10743. pp. 97106-97107.
 livres due the Adam estate by the Menelet succession.

Garic, Notary of the Cabildo. Andres Tete, as Curator to the minors Adam, receipts to Joseph Guenard, tutor to the minors Menelet, for 1250 livres in part payment of a debt of 6000

Aug. 10th.
Sale, Real Property.
 Latil to Conand.
 No. 10744. pp. 97108-97111.

square, free from all taxes but with a mortgage in favor of Madame Villemont for the sum of 2600 livres. The house is sold for the sum of 700 pesos Mexican coin, 350 pesos to be paid in cash and before taking possession of the house, and the other 350 to be paid within one year into the hands of Madame de Villemont, or whoever she may authorize to represent her. A marginal note states that the mortgage is cancelled April 6th, 1773.

Garic, Notary of the Cabildo. Alexander Latil to Joseph Conand and Juan Duclos, a house on Condé and St. Philip Streets, situated on a piece of ground measuring 70 feet

Aug. 12th.
Sale, Real Property.
 Perret to Conard.
 No. 10745. pp. 97112-97115.

improvements thereon consist of a principal house and three cabins for slaves. The purchase price of the said house is 200 pesos, Mexican coin, which will be paid in this manner: 100 pesos within the year, or by the latest the beginning of next August, and the other 100 pesos August 1st, 1772.

Garic, Notary of the Cabildo. Juan Perret to Giles Alexis Conard, a plantation six leagues from the city, consisting of 8 arpents of land frontage, and 40 arpents deep. The im-

Aug. 14th.
Receipt.
 Chancelier to Sant Aman.
 No. 10746. pp. 97116-97117.

libras, 13 soldi, 4 dinero, as his share of the interest paid on the sum of 14800 livres of paper money of the colony belonging to the three minor children of his deceased father, Luis Chancellor.

Garic, Notary of the Cabildo. Luis Chancellor, resident of Illinois, declares that he has received from Pedro Daspit (Sant Amand), his tutor, resident of this city, the sum of 201

Aug. 17th.
Contract Fulfilled and Accepted.
 Taking possession of the City Hall by the Cabildo.
 No. 10747. pp. 97118-97119.

Garic, acknowledge that Francisco Hery and His Excellency Don Alexandro O'Reilly had entered into an agreement to build a Town-Hall. In the written contract dated December 11th, 1769, it was

Garic, Notary of the Cabildo. Francisco Hery, building contractor, for one part, and Joseph Ducros, general receiver, and Dionizio Braud, receiver of fines and regidor perpetuo, commissioners of the government, for the other part, before Notary

stipulated that the building must be finished, perfected, and delivered by the end of the month of April, 1770. The requirements of the contract having been complied with, Don Luis de Unzaga y Amezaga, Governor and Captain General, in order to receive and take possession of the said Town-Hall, appoints the gentlemen already named as commissioners, and Pedro Andry to examine the contract made by Don Alexandro O'Reilly, and Francisco Hery to see if the said contract has been satisfactorily carried out, and to accept and take possession of the town hall in the name of the Governor General, and draw up a full receipt for Francisco Hery. Signed: Joseph Ducros, Dionisio Braud, F. Hery.

1770.—Aug. 20th.

Petition.

Favrot asks for Mr. de Villier as Curator.

No. 10748. pp. 97120-97124.

Governor and Captain General Unzaga. Pedro Joseph Favrot, in a petition, declares that Luisa Brulé, wife of Joseph Favrot, his mother, has died in France, where she was living with his father, and that she

has left some estate in New Orleans. Her only heirs here are his sister, wife of Mr. de Clouet, and himself. His father has granted his power of attorney to Pablo Augustin Le Pelletier de La Houssaye. Besides the estate left by his mother, he also has an interest in the estate of his maternal grandmother. All this property remains in the care of Mr. Delhomer, who was named his tutor. And further still, he has a legacy from the late Mr. San Martin, amounting to 1200 pesos. The plaintiff petitions that Balthazar de Villier be named his curator. Governor General Unzaga grants the petition and orders Mr. de Villier to accept, take oath and give bond. Mr. de Villier accepts, takes oath, and gives bond, and assumes the duties of curator to Pedro Joseph Favrot. (Note: this is not, properly speaking, a Notarial act, though bound with them, but is rather a part of a Spanish legal proceeding.)

Aug. 21st.

Sale of Slave.

Roth to Gerome.

No. 10749. pp. 97125-97127.

Notary of the Cabildo, (a signed copy, name not given). Joseph Roth to Geronimo La Chapelle, a slave named Maria Anne, aged 20 years, born in this colony, for the

sum of 250 pesos, which sum has already been paid.

Aug. 22nd.

Sale of Slave.

de Brande to Poirson.

No. 10750. pp. 97128-97129.

Garic, Notary of the Cabildo. Andre de Brande, of Opelousas, to Luis Poirson, a mulattress named Izabella, aged 26 years, for the sum of 600 livres or 120 pesos, which sum he has already received.

1770.—Aug. 23rd.

Receipt.

Peraut to Sant Aman.
No. 10751. pp. 97130.

received from Pedro Daspit, called Sant Amand, in his capacity as tutor to Anne Chancelier, the sum of 740 livres, which he held for the said lady, as her share of her father's and mother's estates.

Garic, Notary of the Cabildo. Luis Perrault, in the name of, and holding the power of attorney of, Joseph Mainvilla, and of Anne Chancelier, his wife, acknowledges to have re-

Aug. 23rd.

Declaration.

Delery in favor of Le Dee.
No. 10752. pp. 97131-97132.

furnished to the ship "Le Cazar." The said note to be paid on December 1st, next. Because of an error, the note should be for the sum of 589 livres, 17 soldi, and has either been lost or mislaid. This declaration is made with the consent of Mr. Le Dee, who approves, and signs the statement.

Garic, Notary of the Cabildo. Francois Chauvin Delery declared that on July 14th last, Mr. Le Dee gave him a promissory note for 608 livres, 10 sols, in payment for some wood

Aug. 23rd.

Sale, Real Property.

Antonio Alimond to
Mr. Guenard.
No. 10753. pp. 97133-97136.

deep, upon which has been built a main house and a shop, for 80 pesos, Mexican coin, or 400 livres.

Garic, Notary of the Cabildo. Antonio Alman, or Allemand, master shoemaker, to Joseph Guenard, master glazier, a plantation situated about 10 leagues below the city, containing 10 arpents frontage, and 40

Aug. 24th.

Sale, Real Property.

Pedro Bernardo to Laurent.
No. 10754. pp. 97137-97139.

leagues below the city, on this side of the river, for 160 pesos, Mexican coin. The purchaser having paid this sum in cash.

Garic, Notary of the Cabildo. Pedro Bernardo and his wife, Antonia Dubier, to Simon Laurent, or Laurenzo, a piece of land containing 14 arpents frontage by 40 deep, situated 6

Aug. 29th.

Sale of Slave.

Nicolas Forstall to Guillermo Herbert called Leconte.
No. 10755. pp. 97140-97142.

Garic, Notary of the Cabildo. Nicolas Forstall of this city, to Guillermo Heber of Illinois, a negro named Francisco, aged 22 years, native of Illinois, sound of body and health, without vices, for 240 pesos, which sum has been paid.

Aug. 29th.

Sale of Slave.

Juan Ba. La Bastille to
Nicolas Forstall.
No. 10756. pp. 97143-97145.

character, for the price of 240 pesos, which sum has been paid.

Garic, Notary of the Cabildo. Juan Baptiste La Bastille, to Nicolas Forstall, a negro named Francisco, aged 22 years, native of Illinois, free of all debts and sound of health, without blemish or vice, and of good

1770.—Aug. 30th.

Sale of Slave.

Pedro Buvar to Meninger.

No. 10757. pp. 97146-97148.

health, without blemish, and of good character, for 210 pesos, which has already been paid, and a receipt for which is herewith given.

Garic, Notary of the Cabildo. Pedro Buvar, or Bouvar, to Gregorio Antonio Meninger, a negro named Bevasin, native of the Congo, aged 21 years, free of all debt and sound of

Aug. 30th.

Mortgage.

Duplessis and his wife

to Favrot.

No. 10758. pp. 97149-97150.

the Clerk of the Cabildo, and witnesses, which they agree to pay September 1st, 1771, plus the cost of settlement. They give as security a mortgage on all their present and future estates, but particularly on a piece of land they own. (Note: On the margin there is a statement to this effect: that a receipt is given on Nov. 9th, 1771, and that the debt is cancelled by J. B. Garic, Clerk of the Cabildo).

Garic, Notary of the Cabildo. Francisco Duplessis and his wife, Marie Duplessis, acknowledge that they owe to Pedro Joseph Favrot, a debt of 500 pesos, Mexican coin, which sum they received in the presence of

Sept. 4th.

Procuration.

La Peyre to Le Comte.

No. 10759. pp. 97151-97153.

ican coin with interest, gross amount due for the sale of a vessel named "el Lamentin" which was sold in this city by public act of sale before the present Clerk of the Cabildo, dated December 11th, 1765.

Garic, Notary of the Cabildo. Pedro Lapeyre to Carlos Lecompt, to collect from Antonio Francisco or his agent, 7401 pesos, 3 reales, in double silver (plata doble) and Mex-

Sept. 5th.

Petition.

Guignan as curator for the minors Normand.

No. 10760. pp. 97154-97158.

ing from their mother, Maria Bret, their shares of the estate of their late father, Pedro Normand, which she holds as community property. Petition granted, and Guignan is ordered to accept, take oath, and give bond. Guillermo Guignan complies with the Court's order.

Governor General Unzaga. Pedro Normand and his sister, Theresa, through their attorney, Leonardo Mazange, petition the Governor to appoint Guillermo Guignan their curator ad lites, as they are demand-

Sept. 6th.

Sale of Slave.

Mr. Forstall to

Mr. Carbonneau.

No. 10761. pp. 97159-97161.

240 pesos, which has been paid, and a receipt is herewith given.

Garic, Notary of the Cabildo. Nicolas Forstall to Antonio Carbonneau of Illinois, a negro named Francisco, a cook, aged 22, free of all debts, sound of health, without blemish, and of good character, for

1770.—Sept. 12th.

Contract.

Certified copy of an agreement with the butchers.

No. 10762. pp. 97162-97175.

Certified copy of an act executed before Andres Almonester. Notary Pedro Henry, Enrique Bourky, Antonio Barnabé, and George Heno, in partnership each one for himself, and for the firm, have contracted with

Dionisio Braud and Joseph Ducros, Regidor Perpetuo, and General Receiver for the Government, to supply the city with meat for the time from January 1st of the present year to the end of December of 1771 for the sum of 365 pesos for each year. First they will supply the Regidores and Judges and their retainers with beef and mutton, when there is any of the latter, for the price of 4 sueldos the pound. At the same time they obligate themselves to supply the Charity Hospital of this city with all the meat which it may require at the price of 3 sueldos the pound. In the same way they obligate themselves to kill a certain part of each of the said kinds of meat and agree to sell only clean meat. The original of this contract is certified to by Andres Almonester, stating that the contract itself remains in the folio of public acts in his office, and that he makes this copy at the request of the gentlemen forming the Council of the Cabildo.

Sept. 12th.

Procuration.

Reboul to Caminada.

No. 10763. pp. 97176-97177.

Garic, Notary of the Cabildo. Alexander Reboul to Francisco Caminada, to represent his interests in any lawsuit which he may bring or which might be brought against him.

Sept. 14th.

Procuration.

Antonio Olivier to his wife.

No. 10764. pp. 97178-97181.

Garic, Notary of the Cabildo. Antonio Olivier to his wife, Catarina Moreau, so that in his name or for herself she may sell or rent either his property or her own, or transact

any other business which may be required.

Sept. 15th.

Marriage Contract.

Lalande with Adelaida Olivier.

No. 10765. pp. 97182-97186.

Garic, Notary of the Cabildo. Esteban Lalande Dalcour, son of Esteban Lalande Dalcour and Maria Josefa Trudeau, with Adelaide Olivier Devezin, daughter of Pedro

Francisco Devezin, Esquire, Alcalde Provincial of this Province and Regidor Perpetuo, and his wife, Josefa Duplessis. This contract is signed by Jean Etienne Lalande Dalcour or (Valcour), Adelaide Olivier, Pierre Francois Olivier Devezin, Marie Phe. Duplessis v. Linier, Carlos Jean B. Fleuriau, Jean Trudeau, Francisco Caminada, witness; De la Place, Onorato Olivier, Daniel Fagot La Gorciaivre, Constance Olivier Fagot, De Reggio, Francisco Goudeau, witness; Juan B. Garic.

1770.—Sept. 15th.

Marriage Contract.

French copy of the foregoing.

No. 10766. pp. 97187-97192.

written in French, then translated into Spanish, word for word, this being the French original. Both are signed.

Garic, Notary of the Cabildo. The same as the foregoing marriage contract given in Spanish. A note of certification at the end states that this marriage contract was first

Sept. 21st.

Sale, Real Property.

Juan Paillet to Populus Sons.

No. 10767. pp. 97193-97195.

arpents deep, just below English Turn, for 50 pesos, 25 pesos to be paid in the month of December of this year and the other 25 pesos in the month of March, 1771. A marginal note states that on January 23rd, 1771, a receipt was given for the entire 50 pesos.

Garic, Notary of the Cabildo. Catalina Villerey, duly authorized by her husband, Juan Paillet, to Luis and Joseph Populus, a piece of land containing 4 arpents frontage by 40

Sept. 23rd.

Sale of Slaves.

Henrique Voix to Braud.

No. 10768. pp. 97196-97199.

with her daughter, Margarita, aged 7, Juan, her son, aged 6, and a daughter called Genevieve, aged 3, free of all debt and of good disposition, and all sound of health, for 400 pesos in Mexican coin, which has been paid, and a receipt is hereby given.

Notary of the Cabildo (signed copy, name not given). Enrique Voix to Dionisio Braud, Regidor and Receiver of Fines, four slaves, namely, Ester, cook and laundress, aged 30,

Sept. 24th.

Sale of Slave.

Nicolas Lauve to Bernoudy.

No. 10769. pp. 97200-97202.

free of debt, of good disposition and character and sound of health, for 270 pesos, which has been paid, and a receipt is hereby given.

Notary of the Cabildo (a signed copy, name not given). Nicolas Lauve, master shoemaker, to Bernardo Bernoudy, a negro slave named "Little Peter," aged 23, native of this city,

Sept. 25th.

Procuration.

Durand deposits in the office of the Notary of the Cabildo.

No. 10770. pp. 97203-97205.

(De La Hay Pinaud), who died in Rochefort, May 18th, 1753, grants his power of attorney to Foresse, formerly of New Orleans, but now actually living in Rochefort, and to Mr. Boulé, attorney, of Rochefort, who are granted the power necessary to sell and settle the succession of the late Mr. De La Hay Pinaud for the price and under the conditions which his agents may deem fit, and give a receipt in full for all sums of money received, and to turn over this money to Durant or Durand Brothers of New Orleans, who are empowered to

Pedro Piernas, Lieutenant Governor of Illincis. Valentin Devin, usually living in New Orleans, but at present in Illinois, at the Post of Saint Louis, Province of Louisiana, as heir to the deceased Mr. Delahaypinaud

receive it, who are his legal representatives there. Dated July 27th, 1770. Signed: Pedro Piernas, Devin, Chauvin, Debreuil. Below is a certification dated September 25th, 1770, stating that Jean Durand personally appeared before the Clerk of the Cabildo, who requested him to receive and file with the minutes of his office the power of attorney executed in Illinois by Mr. Devin. Signed: J. Durand and Juan B. Garic.

1770.—Sept. 27th.

Procuration.

Geronimo Matulich to Mazange.

No. 10772. pp. 97208-97209.

Garic, Notary of the Cabildo. Geronimo Matulich, Captain of a ship, appoints Leonardo Mazange as his attorney so that he may prosecute for, or defend, Matulich's interests in the suit he brings against Harpain

Lagautrais to collect a sum of money due the constituent. In a paragraph below the foregoing procuration is a statement signed by Leonardo Mazange requesting that Francisco Goudeau be substituted in his place to act as Geronimo Matulich's attorney in the suit which he is prosecuting.

Sept. 28th.

Sale, Real Property.

Alexandre Boré to Chapene called Lionais.

No. 10773. pp. 97210-97213.

Garic, Notary of the Cabildo. Alexandre Boré to Juan Chapene, called Lionais, a piece of ground of ordinary measurements with a house built thereon, situated on Dumain Street for 1200 pesos, Mexican coin,

of which sum he has paid in cash 400 pesos, and of the other 800 pesos. In eight months from this day he will pay 400 pesos, and that in eighteen months he will complete the payment. He further sells to the purchaser all the furniture contained in the house, as appears in the lease made with Mr. Ruth.

Sept. 31st.

Declaration.

Mazange.

No. 10774. pp. 97214-97215.

Note: Date is evidently an error intended for September 30th. The same mistake is made in the document where the date appeared written out in words.

Garic, Notary of the Cabildo. Leonardo Mazange, Procurador del numero, declares that while working in his office he had in front of him on his table a paper, when Luis La Theolais came in, who wished to speak to him, as he signed the paper that morning. The paper was the written statement of a transaction between Luis La Theolais and Pedro Clermon (t). This document the declarer had finished, and read, and after reading had put it aside on a small table in his office. He was occupied for a short while without thinking of it. La Theolais jumped up, rushed to the table, took the document, and tore it to pieces in the presence of Enrique Gardrat and Joseph Becat, and that those present had seen him. The bits of paper were gathered up and pieced together; none of them had been lost. Leonardo Mazange makes this declaration in the presence of Juan B. Garic, Clerk of the Cabildo, who will take charge of these bits of paper until the law may be carried out in this case as the law requires.

1770.—Oct. 4th.

Receipt.

Francisco and Baptiste
Verret to Alexandre Bauré.
No. 10775. pp. 97216-97217.

Garic, Notary. Francisco and Baptiste Verret to their stepfather, Alexandre Bauré (Boré), for 11,235 livres as their share from the sale of the estate of their father, and hereby discharge the said Boré from all further obligations.

Oct. 4th.

Receipt.

Michel and Joseph Verret
to Alexandre Boré.
No. 10776. pp. 97218-97219.

Garic, Notary. Joseph, Michel, Andre and Noel Verret, brothers, all heirs of their father, Joseph Verret, to Alexandre Bauré for 5,818 livres, 17 sols, 8 deniers, each one for his share which comes to him from the

sale of the estate of their late father, and all renounce any further claim to the above said estate.

Oct. 4th.

Sale, Real Property.

Princenoir to Meldous.
No. 10777. pp. 97220-97223.

Notary of the Cabildo (name not signed). Luis Arouet, called Prince-noir, to Juan Meldous, master baker, a lot of ground and improvements measuring 45 feet wide by 120 deep,

situated on Bourbon Street, for 470 pesos in cash, Mexican coin, for which a receipt is hereby given.

Oct. 4th.

Sale, Real Property.

Perret to Marotau.
No. 10778. pp. 97224-97227.

Notary of the Cabildo (name not signed). Juan Perret to Juan B. Marotau, master baker, a lot of ground with improvements measuring 35 feet wide by 56 feet deep, on

Bienville Street, for 150 pesos in cash, Mexican coin, for which a receipt is hereby given.

Oct. 5th.

Sale of Slaves.

Chapron to Bailly.
No. 10779. pp. 97228-97230.

Garic, Notary. Santiago Chapron to Joseph Bailly, or Balhy, 2 negro slaves, Diego 19, and Luis 16, brothers, free from all debts or mortgages, and both are of good character,

for 2400 livres, the purchaser having paid 480 pesos in cash, Mexican coin, for which a receipt is hereby given.

Oct. 5th.

Procuration.

Pablo Augro to Landrau.
No. 10780. pp. 97231-97232.

Garic, Notary. Pablo Augrand to Santiago Landrau to collect any and all debts due him by any and all of his creditors.

1770.—Oct. 9th.
Will.

Deposited by Mr. Boré.
No. 10782. pp. 97236-97238.

Olographic will of Pedro Bauré or Boré, which is divided into 10 articles. He names his brother, Alexandre Bauré, as his only testamentary executor. The testator's wife has predeceased him, and he mentions no forced heirs. He wills various sums to charity, and to the members of his, and his wife's family, stipulating just what each one is to receive. He leaves a legacy of 100 livres to a negress named Maniche, belonging to the deceased Madame Broutte. He frees a slave named Rene, and leaves him 300 livres. His other slaves are to go to his brother, Alexandre, who is residuary legatee. This will is dated, and signed July 6th, 1768, and is re-dated, and re-signed on January 6th, 1769, as the last will and testament of Bauré. In a footnote in Spanish, dated October 9th, 1770, states that Alexandre Bauré appeared in the office of the escribano, and asked to deposit a written document which he said was the last will and testament of his brother, Pedro Bauré, who had left it in the care of Patre prosper (Padre Prosper?). He further said that his brother had gone to France, where he had died. Juan B. Garic, Escribano, attests, and signs to the filing of this will in his Archives.

Note:—This is the first, and we have here the only olographic will in the Spanish Archives. Moreover, it strictly belongs to the French Period.

Oct. 19th.

Procuration.

Armand in favor of Deprez.
No. 10788. pp. 97254-97255.

On August 22nd, 1770, at Pointe Coupée, Joseph Marie Armant appeared before the Commander of that Post, Mr. A. Allain, to declare before witnesses that he ratified the procuration formerly granted, empowering Henry Desprez, procurator at the Cabildo, to act as his attorney, and agent in New Orleans, to represent his interests in any suit brought for or against him, and to attend to any and all of his affairs in the city.

Note:—This act is deposited with the Escribano, October 19th, 1770.

Oct. 9th.

Receipt.

Dherneville to Reggio.
No. 10781. pp. 97233-97235.

Garic, Notary. Pedro Henrique Dherneville (Derneville) to Francisco Maria de Reggio, Alferez Real, and Regidor Perpetuo, for 12,500 livres, the balance of a debt due by latter, for the sale of property, as appears from the written record of the transaction, dated July 26th, 1762. These 12,500 livres have been paid with 11 slaves, who have been appraised as follows: Genevieve, 35, at 1200 livres; Valentino, 20, at 1700 livres; Luis, 17, at 1400 livres; Huberto, 14, at 1400 livres; Marta, 11, at 1200 livres; Francisco, 5, and Miguel, 3, at 900 livres for both; Hubaird, 55, at 1000 livres; Helena, 20, at 1700 livres, Miguel, 70, at 300 livres; Genevieve, 20, at 1700 livres. The combined valuation of the slaves equals the extent of the debt, a first payment having been made to

his agent, Mr. Fleuriat, as appears from the written record, dated August 8th, 1763. He further releases his debtor's estate from all obligation, cancels the original agreement and hereby grants a formal receipt for the entire indebtedness. Francisco Maria de Reggio agrees, and acknowledges the value put upon the slaves as just. He promises to deliver them after next harvest, without having to pay rental for their use in the interval. He agrees to feed them at his expense and to assume all risks until they are turned over to Mr. Derneville. As security that he will carry out the terms of this agreement, de Reggio pledges his present and future estates.

1770.—Oct. 9th.

Receipt.

J. Bte. Vilts to Santaman.
No. 10783. pp. 97239-97240.

Garic, Notary. Juan Bautista Vilts (Wiltz) and Suzana Lenglich (Susanne Langliche), his wife, to Domingo Santaman (Sant Amand) in his name, and as curator ad bono

for Suzana Lengliche for 2587 livres, 8 sols, 4 deniers, as a final payment of the claim of the foresaid lady for her share of the estates of her late father and mother, in conformity to the account given by her curator, which has been examined and approved by the Court. The constituents hereby discharge the curator from all further obligation.

Oct. 16th.

Bond.

Franco. Bijon for Morin.
No. 10748. pp. 97241-97242.

Garic, Notary. Francisco Bijon declares that Nadeo (Mateo) Carlier has entered executory proceedings against the estate of Felicidad Dubrueil and her minor children for

money owed to him. The sheriff has already seized, and placed with the general receiver, a slave named Rosa with her children, Juan B. and Esteban. These slaves are claimed by Antonio Morin, as he bought them more than a year ago from Francisco Dubrueil, and for this reason, they should not have been seized, as they no longer belong to the Dubrueils, and should be returned to the service of Morin, Francisco Bijon, as before, constitutes himself bondsman for Morin and agrees that, if the slaves are not declared to be the property of Morin, Francisco Bijon will deliver into the hands of the general receiver certain securities, either the slave and her children or their value; this amount to be paid either to Carlier or whoever else should have the right to claim it. Morin, for his part, declares that should any loss be sustained by Bijon for the foregoing bond, he agrees to make good the loss, and to this effect he pledges his present and future estates, and particularly his dwelling house, situated at the corner of Dumena and Bourgogna (Dumaine and Burgundy).

Oct. 16th.

Emancipation of a Slave.

By Barnabe.
No. 10785. pp. 97244-97245.

Garic, Notary. Antonio Barnabe frees his slave, Francisco, 60, because of the love he bears him, and because he has served him faithfully and well for many years.

1770.—Oct. 18th.
Sale, Real Property.

Heri Duplanty to Chapron.
No. 10786. pp. 97246-97249.

Garic, Notary. Hery Duplanty, or Duplantis, to Santiago Chapron, a lot of ground and improvements measuring 60 feet front on Bourbon Street for 7500 livres in pesos,

Mexican coin, which sum the purchaser agrees to pay one year from date. As security for this debt he gives a mortgage on all his present and future estates, and particularly on the house just purchased.

A marginal note states that this mortgage was cancelled, when paid, January 24th, 1776.

Oct. 18th.

Sale of Slave.

Mother and Children
Joseph M. Armand to
Henrique Voix.

No. 10787. pp. 98250-98253.

Garic, Notary. Henrique Depré, acting as agent for Joseph Maria Armand, resident of Pointe Coupée, in virtue of an order of Alcalde Luis de la Chaise, dated the 17th of this month and filed with the suit prosecuted by Henrique Voix against

the abovesaid Armand. The constituent is authorized to sell to Henrique Voix a slave named Juana, aged 28, and her children Joseph, 9, Mariana, 6, Francisco, 5, Francisca, 30 months, and Maria Juana, 18 months, not mortgaged, and free of all debt, all of sound health and of good character, for the price at which they have been appraised in the above mentioned suit. This value, together with the food they have consumed in the interval, amounts to 3500 livres in Mexican coin. The transfer of the slaves reduces the original debt (which is not mentioned in this act, though a part of the suit) that Joseph Maria Armand owes to Henrique Voix. The cost of the foregoing proceedings, which have been taxed by the present secibano and which Armand has been condemned to pay, must also be deducted. The Notary further declares that the appraisement made of the slaves by Luis Durel and Dionizio Braud is just.

Oct. 20th.

Protest of a Sight Draft.

By Carsin.

No. 10789. pp. 97256-97257.

Garic, Notary. Nicolas Carsin, in charge of the ship "Benjamin" of Bordeaux, accompanied by the Clerk of the Cabildo, went to Santiago Tarascon's house, and, speaking to

him in person, exhibited and presented a sight draft, dated July 31st, 1770, at Cap. for 40 piastres gourdes, to be paid at 15 days sight, for the passage of Jacques Gautherat, son of the undersigned F. Gautherat, on the "Benjamin" from Cap. to New Orleans. Tarascon refused to honor the draft, as he does not owe Madame Gautherat, nor has he any funds belonging to her. Carsin declares his determination to protest the draft. The clerk of the Cabildo sets this down as a matter of record for the use of Carsin when convenient to his interest.

1770.—Oct. 21st.

Procuration.

De la Ronde to Perraud.

No. 10790. pp. 97258-97260.

binire de la Ronde and her husband, Louis de la Ronde, his parents.

Oct. 25th.

Will.

Of Juana Kerrouret

de Populus.

No. 10791. pp. 97261-97267.

de Ste. Protais. The testatrix is unable to sign because of her inability to use her hands, and Francois Gillet Gerome de la Ronce signs for her, together with Juan B. Garic, Notary of the Cabildo.

Oct. 28th.

Declaration.

By Reboul.

No. 10792. p. 97268.

away on September the 6th and, being a fugitive, he was wounded by Mr. Daunoy while resisting arrest; but not dying immediately, he was taken to the hospital, where he died two days after the 15th of the present month. He further declares that this slave was a bad man, much given to running away.

Oct. 30th.

Deposit of a Record.

By Clajon.

No. 10793. pp. 97269-97272.

declared, in behalf of Guillaume Clajon, resident of the said place, that Chevalier De Rocheblave and Jean Datchurut had told Guillaume Clajon that they had conjointly signed his bond on July 23rd, 1769, at Fort de Chartres, before Lieutenant Colonel Wilkins, Commander in Illinois for His Brittanic Majesty. Clajon was then detained at Fort de Chartres as a prisoner and released the same day after the signing of the bond to guarantee that he would appear before the Council of War which would be established to investigate the charges against him for mixing in the affairs of the governemnt on the English side, under penalty of 2000 livres current silver of New York. That Clajon never signed the bond, as it was never presented to him for his signature. Clajon communicated to Blouin a French translation of an English letter which he had written to Lieutenant Colonel Wilkins, asking him to send the bond to Mr. Datchurut by the bearer of his letter in which he declares the bond was null because Clajon had not signed it, and that it was more than a year since Messrs. De Rocheblave and Datchurut had signed, which would

Garic, Notary. Pierre, Chevalier de la Ronde, to Mr. Perrault, a merchant of Quebec, to represent his interests in the settlement of the successions of the widow Louise Labinire de la Ronde and her husband, Louis de la Ronde, his parents.

Garic, Notary. Jeane Kerrolek, native of Plouay, in Bretagne, Bishopric of Vannes, parish of St. Berthelemuy, daughter of Francois Kerrolek, and Jacques Kerniabeau and wife of Luis de Populus, Ecuyer Sr.

Garic, Notary. Antonio Reboul declares that he has leased the negro slaves belonging to Mr. San Juan, surgeon, now in France. Among them is Luis, a mulatto, who ran

Before Francois Vallé, Particular Lieutenant of the Judge of the Post of Saint Genevieve, appeared Daniel Blouin, merchant of Kaskaskias, in the English part of Illinois, who de-

render it null even should Clajon sign now. Wilkins refused to return the bond to Datchurut. Guillaume Clajon had represented to Blouin that he was on the point of leaving the colony, and before doing so he wished to make Messrs. De Rocheblave and Datchurut feel assured about the continuance of a bond which had never really existed. Two clauses added to the bond for Clajon's appearance before the Council of War were of such a nature that he could not have consented to sign even if it had been presented to him. Finally Clajon had asked Blouin to give security to Messrs. De Rocheblave and Datchurut, and to put their minds at rest regarding the bond, which Blouin did as a mark of esteem he bears for Clajon, giving a mortgage on all his movable and immovable estate, promising to indemnify them in case of any damage or loss that they might sustain should they ever be called upon to fulfill the conditions of the bond. This declaration was made in Saint Genevieve September 11th, 1770, in the presence of Messrs. Henry Carpentier and Francois Clere, witnesses, who signed together with the parties, Rocheblave, Datchurut, Blouin, and the particular Lieutenant of the Judge, Francois Vallé.

Note:—This declaration is a certified copy signed by Francois Vallé.

A foot note to the effect that on October 30th, 1770, Guillaume Clajon appeared before the Clerk of the Cabildo in New Orleans and asked to file the foregoing declaration, made in Illinois, with the minutes of his office. Signed, Clajon.

1770.—Oct. 31st.

Agreement.

Delery to Valiere.

No. 10794. pp. 97273-97274.

Garic, Notary. Francisco Chauvin

Delery, Curator ad bono to the

minors Morand, acknowledges that

he owes and will pay one year from

date to Joséph Dautrive de Valliere

as Curator to the above said minors, 4725 livres resulting from the account which he has given of the estate belonging to the Morands. For the assurance of the payment of this sum, Delery obligates his person, and also his present and future estates. As further security, he presents Dionizio de la Chaise (de la Chaise de St. Denis) Senior Alcalde, as his bondsman for the above stipulated sum.

Nov. 7th.

Sale of Slave.

Widow Deruisseaux to Vienne.

No. 10796. pp. 97276-97278.

Garic, Notary. Marie Françoise

Girardy, widow of the deceased Jos-

eph Deruisseaux, or Desruisseaux,

to Julian Vienne, a negro named

Helly, or Hirry, aged 21 years, na-

tive of the Congo, free of all debt, of good character and sound of health, for 200 pesos, Mexican coin, which has been paid.

1770.—Nov. 7th.

Sale, Real Property.

Francisco Dauphin, called
Dorado, to Juan Durand.
No. 10797. pp. 97279-97282.

Notary (name not given). Francisco Dauphin, called Dorado, in the name of his wife, Elizabeth Pigeol, widow of the deceased Lafond, resident of Mobile, to Juan Durand, a piece of ground measuring 40 feet wide by 150 feet deep, with a house thereon, situated on St. Ann Street, free of all debt, for 200 pesos, Mexican coin, of which 100 pesos has been paid in cash and the other 100 pesos to be paid one year from the date of the sale. A marginal note states that the mortgage was cancelled by Bautist Wiltz, holding the power of attorney of Dauphin, dated May 27th, 1778.

Nov. 9th.

Sale, Real Property.

Ducros to Macnemara.
No. 10798. pp. 97283-97286.

Notary (name not given). Joseph Ducros, Regidor Perpetuo, to Bartolomeo Macnemara and Mauricio Conway, a piece of land thirty feet deep taken from the land which the vendor owns in front of the Common, by a width of 60 feet, for 33 pesos, Mexican coin; which has been paid.

Nov. 14th.

Procuration.

Madame Cartier to
Henrique Gardrat.
No. 10799. pp. 97287-97288.

Garic, Notary. Maria Joseph Pupar, wife of Alexis Cartier, absent, whose power of attorney she holds, transfers this procuration and grants her own to Henrique Gardrat so that in her name he may prosecute a law suit which she has brought against Felicidad de la Chaise Dubreuil and her children, so that he may fulfill all the duties required by law. Madame Cartier also gives the same authority to Leonardo Mazange, Procurador del numero, whom she appoints her attorney to represent her interests in the suit she has brought against Madame Dubreuil.

Note:—In the Spanish Archives it often happens that either the palintiff or the defendant or both are represented by an agent as well as an attorney. The petition begins in this manner: "N. through his agent N. by means of his attorney N. petition in due and proper form."

Nov. 15th.

Emancipation.

Louis Jousson gives freedom
to his slave, Louis.
No. 10800. pp. 97289-97290.

Notary (name not given). Luis Jousson, master chandler, emancipates a slave boy, Luis, mulatto, aged 2 years and 1 month, son of Magdalena, a slave belonging to Madame Delery. The boy belongs to the appearer, as he had bought him from his mother's owner in March, 1769, and had promised to give him his freedom.

1770.—Nov. 17th.

Marriage Contract.

Benoit with Elenor

Montanary.

No. 10801. pp. 97291-97294.

Garic, Notary. Juan Benoit, master tailor, son of Juan Benoit, and Maria Dropsy, born in the Bishopric of Treves, Province of Luxamburg, with Elena Montanary, native of this city, daughter of Juan Montanary, and Marguerite Talon, both deceased. Signed by Jans Benoit, Helene Montarie, Michel Frilous, Jean Monget; for Portrait, Louis Lioteau; for Gabriel Dubertrand, Francisco Goudeau; Juan B. Garic.

Nov. 21st.

Sale, Real Property.

Caminada to Macnemara.

No. 10802. pp. 97295-97297.

Garic, Notary. Francisco Caminada to Bartolomeo Macnemara and Mauricio Conway, a piece of ground on Burgundy Street, 50 feet front by 42 feet deep, for 30 pesos, Mexican coin which has been paid in cash.

Nov. 22nd.

Marriage Contract.

Coudrin with

Pelagia Duverne.

No. 10804. pp. 97303-97305.

Garic, Notary. Pedro Coudrin, master silversmith, native of this city, son of Pedro Coudrin and Margarita Papin, with Pelagia Duvernay, native of this city, daughter of Luis Duvernay and Maria Rosa Girardy.

Signed: Pierre Coudrin, Pelagia Duvernay, Joseph Roth, Gerónimo La Chiapella, M. Braquier, P. Lavigne, L. Duvernay.

Nov. 24th.

Procuration.

Louise L'Age, widow,
to Dardene.

No. 10805. pp. 97306-97308.

Garic, Notary. Madame Louise L'Age, widow of Charles Dardaine, or Dardenne, in her own name as well as for the community interest which she holds in the estate of her late husband, and also as natural

tutrix for her minor children, Marieanne, Felix Athanase, Marie Jeanne, Marguerite, Charles Louis and Jean Alexandre Dardaine, grants her power of attorney to (name omitted in text), to represent her's and her children's interests in the settlement of the succession of her late husband.

Nov. 27th.

Sale, Real Property.

Geneveva Junon to

Maria Juana, negress.

No. 10806. pp. 97309-97311.

Notary (name not given). Geneveva Junon, a free negress, native of this city, to Maria Juana, also a free negress and native of this city, a lot of ground measuring 30 feet and the usual depth, situated on Saint

Ursula's Street, for 50 pesos in coin, of which 25 pesos has been paid in cash and the other 25 pesos will be paid on November 26th, 1771. As neither vendor nor purchaser can write, Francisco Goudeau signs for Geneveva Junon, and Louis Lioteau for Maria Juana:

1770.—Nov. 29th.
Sale, Real Property.
 Duplanty to Dubertrand.
 No. 10807. pp. 97312-97315.

thereon, for 800 pesos, Mexican coin, to be paid November 30th, 1771.

Garic, Notary. Francisco Hery⁴ called Duplanty, to Gabriel Dubertrand, a lot of ground measuring 40 feet facing on Royal Street by 51 feet on Dumaine Street with a house

Dec. 4th.
Lease.
 Widow Deruisseau to
 Mr. Duplanty.
 No. 10808. pp. 97316-97320.

with its houses, kitchen, grange, warehouse, and other outbuildings, and also twenty negro slaves, names and ages given. Live stock is also included in the lease which consists of 6 tame oxen and two others to be tamed, and two others castrated, 5 cows with their calves, and many other animals kept on a stock farm. Everything is included in the rental for 500 pesos a year; payment to be made once every three months of 125 pesos; the lease to run for 5 years. A marginal note states that the lease was cancelled May 2nd, 1775.

Garic, Notary. Francisca Girardy, widow of the deceased Joseph Desruisseaux, rents to Francisco Hery Duplanty, a plantation which she owns on Bayou St. John consisting of 14 arpents frontage on the Bayou

Dec. 12th.
Procuration.
 Dreux to Depré.
 No. 10809. pp. 97321-97322.

Garic, Notary. Thomas Dreux, to Henrique Desprez, procurador del numero, to prosecute and defend a suit which Dreux and Geronimo Matulich have brought against Pedro Centurier.

Dec. 13th.
Sale of Slave.
 Landrau to Tinet.
 No. 10810. pp. 97323-97325.

pesos, Mexican coin, which has been paid with a note of Andre Schilop for the said sum in favor of the purchaser and dated August 15th of this present year. This act is signed in the presence of Louis Lioteau, Francisco Goudeau and Santiago Hallay, or Hallais, and Andre Schilop (Louis Lioteau signing for him), acknowledging the note to be his, and agreeing to pay it when it falls due.

Garic, Notary. Diego Landreau to David Theinet, a negress named Magdeleine, aged 24, native of Guinea, free of all debts, of good character, sound health, for 200

Dec. 19th.
Sale of Slave.
 De Trant to
 Guillermo Mar.
 No. 10811. pp. 97326-97328.

and sound health, for 240 pesos, Mexican coin, which amount is to be paid in the month of November, 1771, either in money or in good indigo of commercial value at the market price of that time. Signed:

Garic, Notary. Thomas Trent, or De Trant, of New Orleans, to Guillermo Mar, or Marre, of Pointe Coupée, a negress aged about 15 or 16, named Fani, native of this city, free of all debt, of good character,

Thomas De Trant, Guillermo Marre. Garic certifies that upon examination of the archives in his care he finds no record of a mortgage or any other obligation recorded against the negress just sold. (This is the first time such a certificate appears in our records.)

1770.—Dec. 22nd.

Marriage Contract.

Bouligny with Mlle. Dobervile.

No. 10812. pp. 97329-97333.

Garic, Notary. Francisco de Bouligny, native of Alicante, in the Kingdom of Valencia, son of Juan de Bouligny and Maria Paret, with Maria Luisa Le Senechal Dauberville, daughter of deceased Le Senechal Dauberville and his wife, Maria Francisca Petit de Coulange. Signed by Francisco de Bouligny, Marie Louise Le Senechal Dauberville; Marie Francisca Petit de Coulange, widow De Vilemont Daniel Fagot La Garceniére; Olivier De Vezin, Balthazar de Villier, Miguel Almourasin, Juan B. Garic.

Dec. 24th.

Sale of Slave.

Duvergé to Duplanty.

No. 10813. pp. 97334-97336.

Garic, Notary. Pedro Duverges, or Duvergé, to Francisco Hery, a slave named Catherina, aged 38, she being the same slave which he bought from Mr. Trich of Natchitoches, 3 years before and which he acquired by a simple paper ("papel simple"). This slave he now sells without blemish, sound of health, free of all debt, for 150 pesos, 8 reales, which he has received in cash. Garic certifies that upon the examination of his books of mortgages he finds no account of any debt due against the slave.

Dec. 24th.

Sale of Slave.

Baamonde to Acosta.

No. 10814. pp. 97337-97339.

Garic, Notary. Joseph Baamond, or Vaamond, to Thomas de Acosta, a slave named Joseph Maria, aged 18 or 20, the same negro which he bought from Mr. Denit 2 years before by a simple paper. This present sale is made for 200 pesos, 8 reales, in cash. This slave is in sound health, without blemish and free of debt. Garic certifies he finds no debt recorded in his book of mortgages against the slave mentioned in the above act of sale.

Dec. 24th.

Sale of Slave.

Gourrage to Pavie.

No. 10815. pp. 97340-97342.

Notary (no name given). Raimond Gourrage to Joseph Pavie, resident of Natchitoches, a negro named Santiago, aged 15, the same one which he bought from Francisco Broutin a year before by a simple paper. This present sale is made for 200 pesos, 8 reales; in cash. The slave is sound of health, without blemish, and free of all debt, as appears from the certification at the end of this document. An unsigned certification states that after examining the books of mortgages no mention is made of any debt or encumbrance or other obligation recorded against the slave transferred in the above act of sale.

1770.—Dec. 27th.

Oral Procuration.

Tremouay.

No. 10816. pp. 97343-97345.

Notary (name not given). Claudio Tremouay, of Pointe Coupée, to Francisco Goudeau to act in his name and represent his person in all law suits which may be prosecuted for

or against him, either now or in the future.

Dec. 28th.

Sale with Mortgage.

Burky to Lauve.

No. 10817. pp. 97346-97348.

Notary of the Cabildo (name not given). Enrique Bourky, native of France, to Nicolas Lauve, a negro slave named Nicolas, aged 11, which is the same which he bought from

Mr. de la Place three months ago. This slave is sound of health, and without blemish and is sold for 180 pesos, which he will pay in 4 months. For security he gives a mortgage on the slave. The usual certificate is appended that there is no debt recorded against the slave sold in the foregoing act.

Dec. 28th.

Apprenticeship.

Bautista, mulatto, with
Colin. (Lauve)

No. 10818. pp. 97349-97351.

Notary of the Cabildo (name not given). Juans, a slave of Andres Jung, with permission of her master, apprentices her son, Bautista, a free mulatto aged 12, to Mr. Nicolas Lauve, a shoemaker, for four years,

to learn that trade, for 50 pesos, which she has given to Lauve. The mother agrees to feed, clothe and nurse her son in case of sickness. Nicolas Lauve accepts the boy as an apprentice, acknowledges receipt of the 50 pesos, and agrees to teach him the trade of a shoemaker.

(To be Continued)



